

LAGOS STATE JUDICIAL PANEL OF INQUIRY ON RESTITUTION FOR VICTIMS OF SARS RELATED ABUSES AND OTHER MATTERS



REPORT OF LEKKI INCIDENT INVESTIGATION OF
20TH OCTOBER 2020.



"Between the agitation and the state's political cum belligerent reaction to lawful dissent, there is a space and in that space is our power to choose to engage responsibly in the spirit of unity, equity and fairness towards winning the peace."



PREFACE

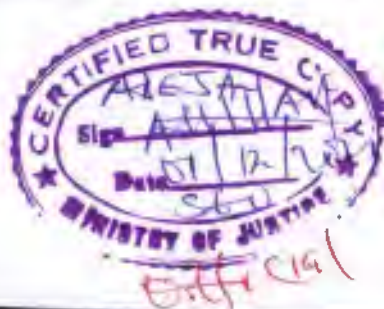
Following the incidents of Police brutality which resulted in the #EndSARS Protest, the Powers conferred on the Governor of Lagos State, Mr. Babajide Olusola Sanwo-Olu (Mr. Governor) by Section 1 of the Tribunal of Inquiry Law, Cap T7, Laws of Lagos State, 2015, Mr. Governor constituted The Judicial Panel of Inquiry and Restitution for Victims of SARS related Abuses in Lagos State and appointed **The Honourable Justice Doris Okuwobi**, a Retired Judge of the Lagos State High Court as Chairperson of the Panel. Other members of the Panel were:

- Ebun-Olu Adegboruwa, SAN (Representative of the Civil Society)
- Rtd. D.I.G. Frederick Taiwo Lakanu
- Patience Patrick Udoh (Representative Civil Society)
- Mr. 'Segun Awosanya (Human Rights Activist)
- Mrs. Oluwatoyin Odusanya (Director, Citizens' Rights)
- Mr. Lucas Koyejo, Esq. (National Human Rights Commission)
- Majekodunmi, Temitope Oluwaseun (Youth Representative Nominated by the Youth)
- Mr. Babajide Boye (Secretary)

The above members of the Panel were sworn in on the 19th October, 2020 and the Panel was given the following Terms of Reference:

1. To identify victims of abuse, brutality and extra judicial killings in the hands of Officers of the disbanded SARS and Officers of the Nigeria Police Force;
2. To carry out investigative duties in respect of Petitions/Memoranda received on Police brutality and extra judicial killings in Lagos State;
3. To evaluate evidence and draw conclusions on the validity of such Petitions/Memoranda received;
4. To determine and recommend compensation for verifiable/deserving victims and their dependents; and
5. To interrogate serving or dismissed Officers of the disbanded SARS and Officers of the Nigeria Police Force, responsible for the abuse of victims and recommend their prosecution

Subsequent to the incident which occurred at the Lekki Toll Gate on the 20th of October, 2020 Mr. Governor **expanded the Terms of Reference** of the Panel as follows:



"The Panel shall ensure speedy inquiry/restitution on SARS activities and Extra-Judicial killings of innocent citizens by the dissolved SARS with a view of delivering justice for the Victims as well as compensate their families/dependents."

In particular it shall –

- (1) Receive memoranda from concerned members of the public and inquire into case of abuses, brutality, torture, extra-judicial killings by the disbanded SARS in Lagos State;
- (2) Identify the victims of brutality, torture and extra-judicial killings by the disbanded SARS;
- (3) Identify Officers of SARS involved in the abuse of rights of citizens and make appropriate recommendations for prosecution of such Officers;
- (4) Evaluate the cases of the victims; determine those deserving compensation as a result of such violations by Officers of the disbanded SARS and recommend compensations payable to them from the Victims Trust Fund established by the Governor;
- (5) To investigate the incident at the Lekki Toll Gate on 20th October, 2020 and make necessary findings and recommendations;
- (6) Examine any other matters incidental to any of the terms of reference stated above; and
- (7) Make necessary recommendation(s) to guide against future abuse of human rights by the Nigeria Police in Lagos State."

Tenure of the Panel

By the Instrument of Appointment the Panel was given six months to discharge its duties which date commenced from 19th October, 2020. However, by the Approval dated 26th day of March, 2021 the tenure of the Panel was further extended by another three (3) months to enable the Panel conclude all Petitions before it by July 19th, 2021.

The Inaugural Public Sitting

Upon the swearing in of the Panel members on 19th October, 2020 the Panel moved to the Lagos State Waterways Authority (LASWA) Yard, located at Five Cowrie Terminal, (Under bridge) Falomo Roundabout, Ikoyi, Lagos (initial sitting venue). The Chairperson addressed the Public and invited them to submit Petitions for consideration by the Panel. At the sitting, the Honourable Attorney-General Lagos State also introduced Mr. Jonathan Ogunsanya, Esq. as Counsel to the Panel.

Subsequent sittings of the Panel from the 26th of October, 2021 however took place at the Lagos Court of Arbitration located at 1A, Remi Olowude Street, 2nd Roundabout, Lekki-Epe Expressway, Okunde Bluewater Scheme, Lekki Peninsula, Phase 1, Lagos.



TERMS OF REFERENCE

The Panel shall ensure speedy inquiry/ restitution on SARS activities and Extra-Judicial killings of innocent citizens by the dissolved SARS with a view to delivering justice for the Victims as well as compensate their families/dependents.

IN particular it shall –

1. Receive memoranda from concerned members of the public and inquire into case of abuses, brutality, torture, extra - judicial killings by the disbanded SARS in Lagos State;
2. Identify the victims of brutality, torture and extra-judicial killings by the disbanded SARS;
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4. Evaluate the cases of the victims; determine those deserving compensation as a result of such violations by Officers of the disbanded SARS and recommend compensations payable to them from the Victims Trust Fund established by the Governor;
5. To investigate the incident at the Lekki Toll Gate on 20th October, 2020 and make necessary findings and recommendations;
6. Examine any other matters incidental to any of the terms of reference stated above; and
7. Make necessary recommendation(s) to guide against future abuse of human rights by the Nigeria Police in Lagos State.

AND I further direct that the Chairman and members of the Panel constituted under this instrument shall remain in Office for a period of six (6) months commencing from the date of appointment and this period may be extended at the discretion of the Governor in writing.

DATED THIS 24TH DAY OF OCTOBER, 2020

MR. BABAJIDE OLUSOLA SANWO-OLU
GOVERNOR OF LAGOS STATE

FOREWORD

BY THE

HONORABLE CHAIRPERSON of The Lagos Judicial Panel of Inquiry

There was a social unrest and mass protest against police brutality in the country calling for disbanding of the Special Anti-Robbery Squad (SARS), a notorious unit of the police force with a long record of abuses, corruption, unlawful arrest, detention and extrajudicial killings.

Arising from the foregoing, mass demonstrations which occurred throughout Nigeria and accompanied by vociferous outrage on social media platforms.

It was against this background that the EndSARS protest started between the 8th of October – 20th October 2020 in different states of the federation. The Lagos protest took a different dimension with the military deployed to the Lekki Toll Gate, the epicenter of the protest in Lagos, on the 20th October 2020.

In a bid to look into the malaise, the National Economic Council directed all states to setup the Judicial Panels of Inquiry and the Lagos Panel was inaugurated on the 19th October, 2020 for restitution for victims of SARS related abuses and other matters.

Lekki Incident of 20th October, 2020 was made an additional term of reference for this panel. This report is a product of extensive evidence taken at the public hearings with key stakeholders and pertinent role players appearing at the hearings.

There can be no single report which can fully resolve the issues between the government and the youth. I am certain that this report will add to the inventory of solutions that can assist the nation in overcoming the widespread agitations of the citizens against the police force.

The report is commended to all with the hope that history will be kind to Panel members when many of the recommendations are implemented.


Honourable Justice Doris Okuwobi (Rtd)

CHAIRPERSON

THE LAGOS JUDICIAL PANEL OF INQUIRY



MEMBERS OF THE LAGOS JUDICIAL PANEL OF INQUIRY ON RESTITUTION FOR VICTIMS OF SARS RELATED ABUSES AND OTHER MATTERS.

- | | |
|---|-------------|
| 1. HONOURABLE JUSTICE DORIS OKUWOBI (RTD) | CHAIRPERSON |
| 2. MR. EBUN-OLU ADEGBORUWA, SAN | MEMBER |
| 3. DIG. FREDRICK TAIWO LAKANU (RTD) | MEMBER |
| 4. MS. PATIENCE PATRICK UDOH | MEMBER |
| 5. MR. SEGUN AWOSANYA | MEMBER |
| 6. MRS. OLUWATOYIN ODUSANYA | MEMBER |
| 7. MR. LUCAS KOYEJO | MEMBER |
| 8. MR. MAJEKODUNMI, TEMITOPE OLUWASEUN | MEMBER |

MR BABAJIDE T. BOYE

Panel Secretary

MR. JONATHAN OGUNSANYA

Counsel to the Panel

ACKNOWLEDGEMENTS

With gratitude to God Almighty, the Chairman: **Hon. Justice Doris Tomilayo Okuwobi** and members of the Lagos State Judicial Panel of Inquiry on Restitution for Victims of SARS Related Abuses and Other Matters would like to thank the Federal Government in general and the Lagos State Government in particular for setting up this Panel and providing the necessary logistics, the office of the Honorable Attorney General of Lagos State for valuing the independence of the Panel, and the consistent support of the Ministry of Justice to the Panel.

The Panel acknowledges the hardworking and invaluable contributions of the following members of its Secretariat Mrs. Abimbola Abolade, Miss Daisy Ossai, Mr. Taiwo Taiwo (Legal Counsel), Miss Zurat Mohammed- Bello (Verbatim Reporter), Mr. Moshood Shittu (Registrar), Mr. Damilola Isaacs (Media).

We thank all participants in the investigation of the Panel starting with the President of the Nigerian Bar Association and members for their active and diligent participation in the process.

We specially thank all the Senior Advocates of Nigeria, senior lawyers and all legal practitioners that represented the several petitioners for their dedication and commitment.

Sincere appreciation goes to the EndSARS protesters who appeared before the Panel, either as Petitioners or as Witnesses for their invaluable contribution that made the Panel's investigation easier and especially to Lawyers, who represented the Nigeria Police Force for their diligence in responding to the several petitions and throwing light on some of the issues.

We wish to also thank the different Stakeholders including the experts and medical practitioners that actively participated in the investigation of the Panel in enabling us unravel through scientific means, what actually happened in the individual petitions and on the 20th October 2020, especially staff of the following organizations: Reddington Hospital, Vedic Life Healthcare, Grandville Trauma Centre, Victoria Island Consultancy, General Hospital Marina and medical Services Hospitals, LASUTH, Doreen Hospital among others.

This acknowledgment will be incomplete without appreciation to the members of the fourth estate of the realm; the Press, whose discipline, passion and professionalism during the process of investigation contributed to the success achieved by the Panel.

Thank You All



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EXECUTIVE SUMMARY

The **#EndSARS #ReformPoliceNG** Advocacy upon which the protesters premised their **#EndSARS** demonstration of discontent/Protest on, has been the most prominent advocacy in Nigeria and a major rallying point, convergence and common ground for the national Police brutality imbroglio since 2016.

This is one of the reasons why the advocacy was surgically curated and the youth protest that followed built on that protocol in an orderly, organized and transparent fashion, reinforcing the specific objective of shutting down the culture of impunity (**#EndSARS**) —through the disbandment of the poster child of impunity within the police structure (i.e. SARS and all Tactical Squads of the Police formation) and the End Goal of the holistic reformation of the Nigeria Police Force—**#ReformPoliceNG**.

However, the dearth of proper public orientation and sensitization by the Federal Government about the progress made over the years on the trajectory of reformation of the Nigeria Police Force, given the years of advocacy and dialogues cum the persistence of outrageous and gross violation of human rights (torture, extra judicial killings, extortion, robbery, unlawful arrest and detention among others) with impunity, being perpetrated by the Nigeria Police, forced the youth to express their constitutionally protected Rights and Freedom of Expression and Assembly to demonstrate their discontent from the 8th - 20th October, 2020.

From the 8th of October 2020, the protest under hashtag **#ENDSARS** started in Lagos and grew into large movement at various locations in Lagos and across the country principally targeted towards drawing attention to the ubiquitous incidents of Police brutality (Culture of Impunity) and poor working conditions of Police officers.

One of the demands from the protesters was the setting up of Judicial Panels of Inquiry to investigate cases of Police brutality. Lagos State Government obliged this request on the 15th of October, 2020 and set up the Lagos State Judicial Panel of Inquiry Into Victims of Police Brutality and other Related Matters, which was inaugurated on the 19th of October 2020.

Its main Terms of Reference was to look into cases of Police brutality and other related matters and award compensation to successful petitions. The members were Honourable Justice Doris Okuwobi, Chairperson, Egun-Olu Adegboruwa SAN, representing Civil Society, Retired Deputy Inspector General of Police, Frederick Taiwo Lakanu, Ms. Patience Patrick Udoh representing Civil Society, Mr. Segun Awosanya, Human Rights Activist, Mrs. Oluwatoyin Odusanya, Director of Citizens' Rights, Ministry of Justice, Mr Lucas Koyejo Esq. representative of the National Human Rights Commission, and Mr. Majekodunmi Temitope Oluwaseun, Youth Representative.

The Panel shall ensure speedy inquiry/restitution on SARS activities and Extra-Judicial killings of innocent citizens by the dissolved SARS with a view to delivering justice for the Victims as well as compensate their families/dependents.



IN particular it shall –

1. Receive memoranda from concerned members of the public and inquire into cases of abuse, brutality, torture, extra-judicial killings by the disbanded SARS in Lagos State;
2. Identify the victims of brutality, torture and extra-judicial killings by the disbanded SARS;
3. Identify Officers of SARS involved in the abuse of rights of citizens and make appropriate recommendations for prosecution of such Officers;
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5. To investigate the incident at the Lekki Toll Gate on 20th October, 2020 and make necessary findings and recommendations.
6. Examine any other matters incidental to any of the terms of reference stated above; and
7. Make necessary recommendation(s) to guide against future abuse of human rights by the Nigeria Police in Lagos State.

AND the Governor further directed that the Chairman and members of the Panel constituted under this instrument shall remain in Office for a period of six (6) months commencing from the date of appointment and this period may be extended at the discretion of the Governor in writing.

Following the Panel's inauguration, on the 20th of October 2020 there were allegations that the officers of the Nigerian Army and the Nigerian Police Force had gone to the Lekki Toll Gate, Lagos State, the epicenter of the #ENDSARS protests and shot at peaceful protesters.

Following this, the Lagos State Government expanded the Terms of Reference of the Panel to include an investigation into what became known as the Lekki Toll Gate (LTG) Incident. The composition of members facilitated a comprehensive and cohesive approach to the investigative work of the Judicial Panel of Inquiry.

The Panel began its investigation into the Lekki Toll Gate Incident of 20th October, 2020, by issuing Summons to parties it considered pertinent to its finding and investigations as follows: The Lekki Concession Company (LCC), operators of the Lekki Toll Gate, Nigerian Army (NA), The Hierarchy of Lagos State Police Command and later also to the Divisional Police Officer (DPO), Maroko Police Division, the Lagos State Government, various hospitals, who were said to have attended to victims of the Lekki Toll Gate Incident, Operators of Advertising Billboards at the Lekki Toll Gate, and News outlets who carried investigative journalism on the incident.

The response to the Summons was hugely positive, as over 80% of those summoned honored the invitations, and gave evidence before the Panel, which assisted it greatly in unravelling the events of the 20th October 2020. The protesters on their own attended the Panel's proceedings and presented evidence of what happened at the Lekki Toll Gate on the 20th of October, 2020.

On the part of the ENDSARS Protesters the Panel specifically considered the evidence of persons, who alleged that they were victims with injuries or death of their loved ones, which occurred during the Lekki Toll Gate Incident and the testimonies of those who were present and traumatized. Some gave accounts of what happened even though they had no physical injuries.

The evidence considered in this regard usually represented similar versions of the Lekki Toll Gate Incident as corroborated by other protesters, who were treated as Petitioners with Petitions arising from the Toll Gate Incident. Virtually all witnesses were cross examined by counsel to parties with opposing versions of Lekki Toll Gate Incident. Sequel to the above the Panel reached its findings and prepared its reports despite the evidence of the Nigerian Army, that was limited, as most of the officers who were summoned and who filed affidavits never appeared before the Panel).

At the conclusion of evidence of all relevant parties, key issues which called for determination and upon which the findings of the Panel were based are summarized as follows:

- Whether the Nigerian Army used live bullets on unarmed and defenseless protesters at the Lekki Toll Gate on 20th October 2020?
- Whether the live bullets resulted in injuries or casualties on the part of the protesters?
- Whether the Police was at the Toll Gate on the night of the 20th of October 2020 and the morning of the 21st of October 2020 and whether they shot at unarmed and defenseless protesters?
- Whether the LCC played any role in the events of the night of the 20th of October 2020?
- Whether the Lagos State played any role in the Lekki Toll Gate Incident of the 20th of October 2020.

The Panel thus made the following key findings :

1. That the Nigerian Army was invited for intervention in the State and was deployed to Lekki Toll Gate on the 20th of October 2020. At the Lekki Toll Gate, officers of the Nigerian Army shot, injured and killed unarmed helpless and defenseless protesters, without provocation or justification, while they were waving the Nigerian Flag and singing the National Anthem and the manner of assault and killing could in context be described as a massacre. The Panel also found that the conduct of the Nigerian Army was exacerbated by its refusal to allow ambulances render medical assistance



to victims who required such assistance. The Army was also found not to have adhered to its own Rules of Engagement.

2. The Panel found that the Nigerian Police Force deployed its officers to the Lekki Toll Gate on the night of the 20th October, 2020 and between that night and the morning of the 21st of October, 2020, its officer shot at, assaulted and battered unarmed protesters, which led to injuries and deaths. The police officers also tried to cover up their actions by picking up bullets.

3. The panel found that LCC hampered the panel's investigation by refusing to turn over some useful and vital information/evidence as requested by the Panel and the Forensic Expert engaged by the panel, even where such information and evidence was by the company's admission, available. It manipulated the incomplete CCTV Video footage of the Lekki Toll Gate on the night of the 20th of October 2020, which it tendered before the Panel.

4. The Panel found that there was an invitation of the Nigerian Army to Lagos State made by the Lagos State Government through the Governor before the hierarchy of the Nigerian Army deployed its soldiers to the Lekki Toll Gate on the night of the 20th of October.

5. The Panel found that there was an attempt to cover up the Incident of the 20th of October by the cleaning of the Lekki Toll Gate and the failure to preserve the scene ahead of potential investigations.

Upon the above key findings amongst others, the Panel made a total of 32 Recommendations, which included but not limited to:

- Holistic Police Reforms covering welfare, training and proper equipping of Policemen and their working environment;
- Sanctioning of the officers of the Nigerian Army and the Nigerian Police Force respectively who participated in shooting, injuring and killing of unarmed protestors at the Lekki Toll Gate on the 20 and 21st of October 2020;
- Development of more robust engagement between the Youth and the Government;
- Setting up of a Standing Committee/Tribunal to deal with cases of Violation of Human Rights by security agencies and a trust fund to settle compensation awarded by such committee/tribunal;
- A public apology to ENDSARS protesters who were killed, injured and traumatized by the Incident of the 20th of October 2020;
- The memorialization of the Lekki Toll Gate and the 20th of October going forward.

- The recognition of Hospitals and Medical Doctors who played heroic roles following the Incident of the Lekki Toll Gate on the 20th of October 2020 thereby saving lives and minimizing the impact of the injuries suffered by the victims, most of which were on a pro-bono basis;
- The Panel recommended various sums of compensation to victims of the Lekki Toll Gate Incident, which must be expeditious in order to accelerate the healing process.
- The Panel recommended that any data that may have been generated over the years on the impunity of the Police across Nigeria be studied and deployed as early warning signs (EWS) mechanism.

The Panel recognizes that it had the cooperation of most stakeholders save for the Nigerian Army and some others who ignored summons issued by the Panel. The Panel accordingly notes the cooperation of stakeholders through their respective Counsel, such Counsel included, members of the Nigerian Bar Association, Counsel to the various groups of ENDSARS Protesters, Counsel to Lagos State Government, and Counsel to the Nigeria Police Force.

The Panel is grateful to the experts, who honored its various summons to attend proceedings and provide the panel with vital information and evidence. The contributions of the aforementioned aided tremendously the investigative work of the Panel.

The greatest limitation of the Panel was time as the Panel had to undertake its investigation into the Lekki Toll Gate Incident alongside other petitions in respect of Police brutality related matters. Following this limitation the panel was unable to determine all Petitions arising from the Lekki Toll Gate Incident and accordingly urges that those petitions be heard and determined by the standing committee/tribunal on Human Rights recommended by it.

The Panel thanks the Lagos State Government for giving it the opportunity to serve, providing the resources and allowing it to conduct its investigations and arrive at its findings independently and with integrity.

The Panel believes that with the implementation of the recommendations, the LEKKI TOLL GATE INCIDENT OF 20TH OCTOBER 2020 will never happen again, lessons will be learnt on all sides and there will be healing in the great state of Lagos State.



BACKGROUND

The #EndSARS #ReformPoliceNG Advocacy upon which the protesters premised their #EndSARS demonstration of discontent (Protest) on, has been the most prominent advocacy in Nigeria and a major rallying point, convergence and common ground for the national police brutality imbroglio since 2016.

This is one of the reasons why the advocacy was surgically curated and the youth protest that followed built on that protocol in an orderly, organized and transparent fashion, reinforcing the specific objective of shutting down the culture of impunity (#EndSARS) —through the disbandment of the poster child of impunity within the police structure (i.e. SARS and all tactical squads of the Police formation) and the End Goal of the holistic reformation of the Nigeria Police Force—#ReformPoliceNG.

However, the dearth of proper public orientation and sensitization by the Federal Government about the progress made over the years on the trajectory of reformation of the Nigeria Police Force, given the years of advocacy and dialogues cum the persistence of outrageous and gross violation of human rights (torture, extra judicial killings, extortion, robbery, unlawful arrest and detention among others) with impunity, being perpetrated by the Nigeria Police, forced the youth to express their constitutionally protected rights and freedom of expression and assembly to demonstrate their discontent from the 8th - 20th October, 2020.

PROCEEDINGS

LEKKI TOLL- GATE INCIDENT/ INQUIRY INTO THE #EndSARS PROTEST.

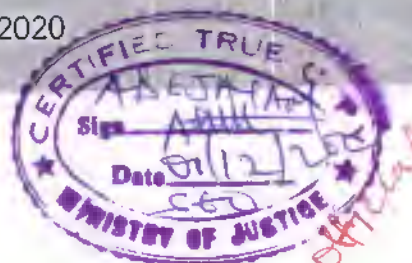
Introduction

The Panel officially began its inquiry into the incident of 20th October, 2020 by issuing Summons' to Officers of the Nigerian Army, the Lekki Concession Company, Officials of the Lagos State Government the Lagos State Commissioner of Police and various entities.

Summons' Issued

The following Summons' issued by the Panel are as follows:

S/N	Parties	Date Issued	Date Received	Status
1.	Lt. Colonel S.O Bello	<ul style="list-style-type: none"> • 28th October, 2020 • Re-issued 27th November, 2020 	<ul style="list-style-type: none"> • 31st October, 2020 • 30th November, 2020 	Did not Appear
2.	Major General Godwin Umelo	<ul style="list-style-type: none"> • 28th October, 2020 • Re-issued 27th November, 2020 • 15th December, 2020 to be served c/o his Counsel. 	<ul style="list-style-type: none"> • 31st October, 2020 • 30th November, 2020 • Served 	Did not Appear
3.	Brigadier General Francis Ogbaje Omata	15 th December, 2020 to be served c/o his Counsel.	• Served	Did not Appear
4.	Commissioner of Police, Lagos State	28 th October, 2020	31 st October, 2020	Appeared
5.	Mr Hakeem Muri Okunola (Head of	28 th October, 2020	2 nd November, 2020	Appeared



	Service to Lagos State Government)			
6.	Stephanie Busari & Team (CNN)	28 th November, 2020	2 nd December, 2020	Did not Appear
7.	Mr. Yomi Omomuwasan, Managing Director, Lekki Concession Company	28 th of October, 2020	Delivered via electronic means by Mrs. Odusanya	Witness appeared on 3 rd , 6 th , 21 st , 27 th November, 2020 respectively
8.	Reddington Hospital, Victoria Island	<ul style="list-style-type: none"> 4th December, 2020 Re-issued 15th December, 2020 	<ul style="list-style-type: none"> 11th December, 2020 18th December, 2020 	Mr. Oladipo appeared on the 15 th of January, 2020 to tender Medical Reports
9.	Loatsad Promedia	8 th December, 2020	11 th December, 2020	Appeared
10.	Prof (Dr) John Oladapo Obafunwa		4 th May 2021/2021	Appeared

Visit to Locus in Quo

The proceedings of the 30th of October, 2020 commenced with the business of the day being a visit to the locus in quo of the shootings of #EndSARS protesters, which was the Lekki-Admiralty Toll Plaza (Sand-Fill), Lagos. The inspection was conducted by the distinguished members of the panel and at the site Mr. Yomi Omomuwasan, the MD of LCC received and guided the delegation round the site. At the site of the incident, two (2) empty shells suspected to be spent bullets were recovered by the Panel and damages to the facility observed.

Subsequent to its visit to the locus in quo, the Panel sought to take the evidence of the Managing Director of Lekki Concession Company ('LCC') Mr. Yomi Omomuwasan, who appeared in the company of the Head of the Legal Department, Mr. Gbolahan Agboluwaje pursuant to a summons dated the 28th of October, 2020.

After being sworn on the Bible, Mr. Omomuwasan informed the Panel that although the LCC was ready to show the footage of the alleged shootings of the #EndSARS protesters, which occurred at the toll gate of the Admiralty Circle Plaza, Lekki, there was a need to seek for an adjournment in order for the Counsel of the LCC to be present. The Chairperson granted the request while noting that it was the right of every witness called to have a Counsel of his choice.

On the same day the Panel also made an unscheduled visit to the Military Hospital, Falomo, Lagos with the aim of viewing its morgue, and recovering evidence that could assist the Panel.

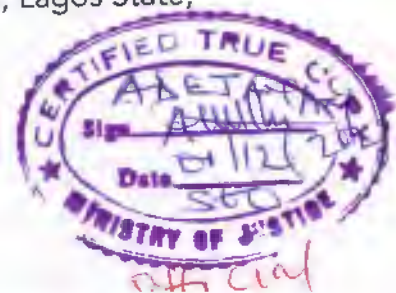
Although the Panel was initially denied access, but they were taken to a building which was said to be the military hospital as well as a detached building at the back of the hospital eventually granted entry. According to the military authorities, the hospital and morgue had been under renovation since October 2019 and had not been in use since then.

SUMMARY OF THE PROCEEDINGS IN RESPECT OF THE LEKKI TOLL-GATE INCIDENT ON THE 14TH OF NOVEMBER, 2020.

Evidence of the Nigerian Army In Respect of the Lekki Toll-Gate Incident of 20th October, 2020.

The lead Counsel for Nigerian Army, Mr. A. T. Kehinde, SAN on the 6th of November, 2020 filed the following documents as its official responses to the Summons issued on the Nigerian Army to wit:

- a) The Witness Statement deposed to by Brigadier General Ahmed Ibrahim Taiwo, the commander of 81 Military Intelligence Brigade, Victoria Island, Lagos;
- b) The Witness Statement deposed to by Brigadier General Nsikak John Edet, the Chief of Staff, , 81 Division, Nigerian Army, Victoria Island, Lagos;
- c) The Witness Statement deposed to by Brigadier General Francis Ogbaje Omata, Commander 81 Division Garrison, Victoria Island, Lagos;
- d) The Witness Statement deposed to by Brigadier General Musa Awwal Etsu-Ndangi, the Commander 9 Brigade, Ikeja, Lagos State;



- e) The Witness Statement deposed to by Lieutenant Colonel Salisu Ovada Bello, Commanding Officer, 65 Battalion, Bonny Camp, Victoria Island, Lagos.

Appearances

The following appearances were entered in respect of the Nigerian Army summons:

- A.T. Kehinde SAN, with Samuel Agbe, Biola Oyebanji, Col. Michael Ebe Enang (Rtd) and Major E. O. Ehicheoya for the Nigerian Army.
- A.J. Owonikoko SAN, with I. J. Okechukwu, Yetunde Olabode and Joshua Tony Esq. for Lagos State Government.
- Rotimi Seriki with Akin Elegbede Esq. for Lekki Concession.
- Adeshina Ademola Ogunlana with Ayo Ademiluyi Esq. for the following ENDSARS Protesters, Victoria Oniru, Dabira Ayuku, Olugbe Ofoluafe, Samuel Isa, James Akhigbe, Nicholas Anthony Okpe, Patrick Ukala and Damilola Adedayo.
- Adeyinka Olumide-Fusika SAN, with Inibehe Effiong and Onaolapo Obilade Esq. for the following victims of the Lekki Toll gate incident: Raimi Olumide, Solomon Samuel, Olamilékan Sanusi, Ayodeji Beckley, Samuel Asala, Agbese Isiawu and Onileowo Legend.

SUMMARY OF THE EVIDENCE OF BRIGADIER GENERAL A.I. TAIWO, COMMANDER, 81 MILITARY INTELLIGENCE BRIGADE, NIGERIAN ARMY, VICTORIA ISLAND.

Background to the Involvement of the Nigerian Army

Brigadier General A.I. Taiwo's presentation was done by way of an oral presentation, whilst using slides, videos, images and other materials, which he warned were very gruesome and graphic. He condemned the fact that the Lagos crisis was reduced to the occurrence at the Lekki Toll Gate, and that little mention, if any at all is made of the wanton loss of lives (especially that of police Officers), massive destruction of infrastructure and properties prior to and after that incident as well as the misinformation against the Nigerian Army. He then noted that world over; it is the

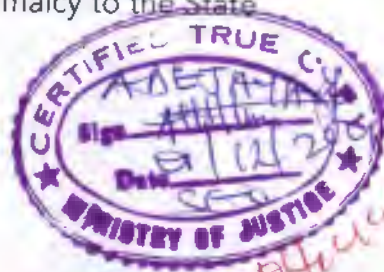
task of the Armed Forces to intervene when a situation overcomes the Police and other paramilitary services.

He noted that in Nigeria, Section 217(2) (C) of the 1999 Constitution of the Federal Republic of Nigeria (As Amended) mandates the Armed Forces to suppress civil insurrection and protect the territorial integrity of the Nation from internal and external aggression. He further noted that throughout the #EndSARS protest which started in early October, the Nigerian Army neither involved itself nor intervened until Lagos State had descended into a state of lawlessness, anarchy, violence and the events that finally culminated in the 20th October incident at the Lekki Toll- gate when it was called out.

The witness reminisced that the state of affairs in Lagos were reminiscent of the Liberian civil war. Further, he also stated that Lagos State lost major expressways such as the Apapa-Oshodi express way, Ikorodu Road. In addition, hoodlums had begun extorting money from innocent Nigerians, damaging properties, looting, raping and killing, all in the name of #EndSARS protest. He further stated that it was a fact that once a peaceful protest had gone past 2-3 days, hoodlums were waiting to hijack the genuine protest in order to cause mayhem. He noted that the case in Lagos was no different.

The witness noted that this state of affairs continued up to the 19th of October, 2020 when he got caught up in one of such mobs. Further, that the people whom he met at Apogbon, Marina, Ijora, Apapa, were not the genuine #EndSARS protesters, but criminals who were hiding under the auspices of #EndSARS to perpetrate these crimes. Things took a turn for the worse on the 20th of October 2020, when the hoodlums began burning Police stations (such as Orile Police Station,), stealing ammunitions from the Police stations, killing and lynching Policemen in the most gruesome manner as well as the practice of cannibalism on their corpses. The witness noted that it was this state of affairs that made the Lagos State Governor, Mr. Babajide Sanwo-Olu rightly request for the intervention of the Army by 12 noon, on the 20th of October, 2020 because the Police had been overrun and were also fighting for their lives.

Further to the above, the Governor declared a curfew starting from 12noon. However, the timing was unilaterally adjusted to commence at 2100 hours (9pm) without the Army being informed. Despite this, the Army deployed immediately to forestall further violence and loss of lives throughout Lagos State, upon receipt of the signal to activate phase 4 of Internal Security (IS). Phase 4 is the immediate deployment of soldiers outside the barracks to intervene. Troops were deployed from all Barracks in Lagos State in order to restore order and return normalcy to the State.



• **Testimony On Rules of Engagement Employed by the Army**

The witness emphasized that the troops strictly followed the Rules of Engagement for Internal Security and proceeded to examine said Rules of Internal Engagement for Operation MESA and other Internal Security Operations, which they could be called for. He also noted that all Officers and Commanders are mandated to observe these Rules of Engagement. The situation in Lagos was brought under control through the use of non-kinetic means, which are mandated and contained in the rules of engagement. Non-kinetic means are those means short of violence to resolve a situation while kinetic means is the use of violence to resolve a situation. Some of these rules include, but are not limited to:

- The principle of minimum force and proportionality;
- Use of personal contact and negotiation;
- use of lethal force as a means of last resort, where other means to control the situation had failed; in the case of unexpected attack and in the case of suspected improvised explosive device (I.E.D.) attacks during, which a delay could lead to loss of lives or serious injury to personnel;
- Any force applied must be limited in intensity and duration;
- Any force applied must also be commensurate with the level of threat posed;
- Force shall only be used when absolutely necessary to achieve an immediate aim;
- The decision to open fire shall be made only on orders and under the control of the on-scene Commander;
- Where there is insufficient time to obtain such order, fire can however be open if the life of the soldier, life of any law abiding member of the public and/or property of which is our duty to protect is in grave danger;
- After firing has ceased, medical assistance must be rendered;
- Details of incidents, both in writing and on audio-visual equipment on whether or not there were casualties must be recorded.

• **Testimony On Conduct of Troops at the Lekki Toll-Gate on 20th October, 2020**

In relation to the Lekki Toll-gate issue, the witness noted that troops were deployed from the 65 Battalion acting under 81 Division Garrison who formed a mobile team to patrol up to Epe, Ibeju Lekki, Sango-tedo and Badore and other areas. He also noted that when the troops got to the Toll gate, the Police were already trying to

deter people who wanted to burn the Oriental Hotel, and that the Commander on ground met genuine #EndSARS protesters and some hoodlums. While playing a video, the witness noted that some protesters (whom he later referred to as hoodlums) wearing light colored clothes came to challenge the soldiers and started pelting them with stones and bottles, which he further noted were the muzzle flashes which were being seen.

Witness emphasized that the troops fired in the air and only fired blank ammunition to disperse the crowd because the Commander on the ground made the determination, despite the provocation from these hoodlums. Witness further noted that if the troops had fired live bullets at the said hoodlums, genuine protesters might have suffered collateral damage. He also made it a point to inform the Panel that it was impossible for protesters to continue dancing if the troops had fired live rounds at the protesters. The witness further stated that at this time, the genuine #EndSARS protesters had sat on the floor and after a while the soldiers were able to push them after the Toll Gate. Further, that the troops gave the protesters water and drinks and urged them to leave.

The witness emphasized that he monitored the internet that night. He noted that after the soldiers had left, the hoodlums returned and burnt the Toll-gate, which constituted a part of the wider damage. He also noted that later that night at about 9:43pm, one of the twitter handles of #EndSARS protesters released a picture of alleged live bullets used at the peaceful protest at the Lekki toll gate. He requested members of the Panel and the public to observe the said cartridge, noting that it was a blank bullet. For the benefit of everyone, the witness showed the public a picture of an expended (blank) ammunition on the screen of the projector, while noting that it only contained gun powder which makes just noise and produced the flashes the public saw during the incident of the 20th October, 2020. He explained it was an unexpended round of 7.62mm round blank.

The witness went on to explain that a live round when fired, has a muscle velocity of 700meters per second and is effective up to 600meters. This means that when the rifle was fired, it was capable of killing someone up to 600m away depending on the skill of the person firing. Further, with such heavy muscle velocity, the damage would be unimaginable if it was shot at someone who was 10meters away, given the compact crowd at the toll gate, the rifle when fired would have killed up to three (3) people. Where the bullet hits the victim on the head, brain matter would be deposited on the ground as the entry hole is thin while the exit is wide. Where it hits a person in the chest or bowels, the intestine comes out. Based on his years of experience in the Nigerian Army, he concluded that he was an expert in ammunition. In the case of blank ammunitions, the velocity gets slower and slower and does no damage to flesh anywhere further than a couple of feet. Going further he stated that



the person would have nothing to fear, except the rifle is put against the eye and fired. Even where the rifle with blank ammunition is put against the skin and fired, one will only have a burn mark to show for it.

The witness noted that throughout the night of 20th/21st of October, 2020 Lagos state, especially the Island up to Sangotedo to Ibeju-Lekki was on fire and this state of affairs were replicated everywhere. Businesses such as The Clarit Place, a multibillion naira investment was looted, destroyed and burnt.

He also noted that because the 81 Division was short of troops, the Chief of Army staff, Brigadier General Buratai gave an extraordinary order that all Army schools should be shut down and everybody should be brought into the operations. He personally briefed those troops who comprised of men and women, who were due to graduate on the 21st of October, 2020. However, eight (8) of them missed their weddings because they had been deployed.

He further noted that he reminded them of the Rules of Engagement, admonished them and reminded them of the Chief of Army Staff's special directive that they were not to molest civilians, especially women and children. They were also told that they were only to open fire on the command of the Commander on ground or in the event that their lives or innocent lives of civilians are being threatened. He also noted that the troops were able to rescue the Oba of Lagos and his family members out of his palace on the 21st of October after some hoodlums had invaded it. Not only was the mace stolen, the palace was also looted and burnt while the Armored Personnel Carrier (APC) of the Police which is usually deployed when there is a riot was also burnt.

• **Testimony on Aftermath of the Protests and the conduct of the Army**

The Lagos Business District (Marina) Area such as Cash 'n' Carry and the Nigerian Ports Authority were also looted. Vehicles were set ablaze and burnt, while offices were ransacked and vandalized. The witness also alleged that the hoodlums attempted to invade the government house, Marina but were repelled by Armed troops. In addition, he also alleged that there was an attempted jailbreaks at the Ikoyi Correctional Centre, which was also simultaneously carried out with that at Kirikiri Correctional Centre. Further, that the inmates set their accommodation ablaze and hoped to escape in the ensuing confusion. However, the 81 division supported the Correctional Services and Police who were there to contain the outbreak in both places. Additionally, the Lagos State High Court, Igbosere, was also looted, vandalized and then burned to the ground.

The witness also noted that businesses such as Shoprite and SPAR Lekki, were also looted and vandalized. In addition, women, men, children and even mothers were enabling and leading their children to loot the said businesses. Circle Mall, Lekki was also set on fire. All the looters arrested were taken to 65 Battalion Military Base, Lagos.

The witness also noted that an audio message which was purportedly from one Nnamdi Kanu, the leader of the proscribed Indigenous People of Biafra claiming the Igbos were responsible for the mayhem in Lagos was untrue, because his assessment revealed that most of those businesses were owned by Igbo people such as Okey Ndibe, Simon Miyesi, Azubuike.

The witness further revealed that one of the thieves arrested was a man who had looted items required for a house. The said man had stolen items such as doors and air conditioners, and that by the time the troops went to arrest him, he had already installed them. Further, that many looters who were not arrested within the premises of these businesses were arrested with looted items on the road. It was a free-for-all.

• Testimony On The Stabilization Efforts of the Army in Lagos State

The State had entered the stabilization phase with the efforts of the Army when the Lagos State government unilaterally shifted the curfew to 6 O'clock initially and then subsequently to 10pm. On both occasions, the Army was not informed or carried along. The troops recovered a lot of looted items which were handed over to their owners on provision of receipt or proof of ownership. Other items recovered from looters, as well as the looters themselves were handed over to the Police for prosecution.

He asserted that had the curfew not been lifted by the state government, the Army would have recovered a 100 times the looted items than they did. He further noted that Jakande, Alpha Beach, Sango-tedo and other areas within Lekki were awashed with looted items. At Shoprite, Sango-tedo three (3) Nigerian citizens were arrested there. The suspects were fed three times daily with what the soldiers were being fed and also hydrated with minerals and water.

He noted that the most targeted places were financial institutions. A bank in Ijora was vandalized, same as their vehicles and an ATM. The hoodlums attempted to break into the vault of the ATM with a cutting machine. Because the vault was about 20mm, it would have taken them a better part of maybe a night or so to cut it. The hoodlums tried to penetrate it from the side and the top with no luck. This caused them to come with the cutting machine, when they managed to cut this iron, they met concrete inside, causing them to give up. Vehicles were also vandalized in the bank. Many of



them had their brain boxes removed three (3) boys were arrested within the premises of Zentih Bank, Ajah. He noted that the suspect in the middle, known as Gift GodSent was one of those who burnt the Ajah Police station in which a Policeman died. The suspect had selfies of him carrying out the act on his phone.

He noted that the Army was able to help banks evacuate about 2 billion naira after 2 days as many of those vaults had been damaged, while the hoodlums moved the another ATM to another location entirely. This, he opined would have taken considerable effort to do. In another instance, a foreign national, a Ghanaian, who had been stabbed and robbed, was treated by soldiers who also bought him a new shirt, gave him a haircut and returned him to his consulate in Ikeja.

With respect to the aftermath of the crisis, the witness stated that the troops managed to arrest these robbers with weapons stolen from the Police armory, which is responsible for a high level of insecurity along Ajah, Badore, Sango-tedo axis. He alleged the hoodlums made deliberate attempts to get rid of the Police in that area so they could operate freely. He further stated that at Badore, a bullion van or armored truck carrying money was attacked. He noted that this modus operandi was unusual of robbers in Lagos State, unlike other states where they used dynamites and other means. In the aftermath of that incident, a motorcycle rider (okada man) lost his life.

With respect to cult fights, he apologized beforehand for some of the very graphic and gruesome images. He noted that the cult fights were a fight for supremacy. Consequently, needless violence was employed in the fight for supremacy. In the course of which, innocent citizens were killed and lynched. He further noted that the Jakande area, just opposite Shoprite is a slum and a coven for cultists. The troops were able to save not less than 6 people from being lynched. In about a week, from Monday to Wednesday, not less than 12 people had been killed from reports reaching the Army.

• **Testimony On The Panel's visit to the Military Hospital, Falomo, Lagos.**

With respect to the visit of the Panel to the Military Hospital, Lagos, he stated that he got to know about the efforts of the Panel in trying to gain entrance to the facility while he was watching the television. He however noted that a military barrack is a restricted area anywhere in the world, even so-called free countries. He further noted that a person could not just waltz in to a Barracks. This he also noted was what accounted for the thirty minutes delay, as entry was only granted when the General Officer Commanding ordered him to quickly reach the hospital in order for them to grant the Panel access and also inform the Panel that there are procedures to such visits. He further noted that when he was informed by A member of the Panel that

the Panel was there based on intelligence received that the hospital's mortuary had some corpses that were deposited from the incident at Lekki Tollgate.

He however asserted that the information was false. He noted the Military Hospital, Falomo, Lagos had been under repairs for over a year, due to the deteriorating state of the equipment and the facilities generally. He further noted that it was this state of affairs that led the Chief of Army staff to decide that the facility had to be renovated, he referred to "reference" hospitals built in Abakaliki and Maiduguri while about 44-68 Reference Hospitals are being renovated. The witness also explained that the decorative renovations of Military Hospital, Falomo, Lagos at the time of the Panel's visit, were only about 75% complete. Further, that the Officer Commanding/Commandant's office had been relocated into the Officer's mess (structure beside the mosque) while all doctors and nurses, except the Matron and a few others, had been posted to other units since the previous year to work.

• Testimony On Misinformation levied against the Nigerian Army

The witness decried the amount of misinformation that was made against the Nigerian Army. He noted that everything done by the Army in fulfillment of its constitutional mandate was always criticized. Even where facts beyond refute are produced by the Army is still believed to be lying. He gave the example of a Yoruba woman (Mrs. Aisha Muhammed) whom he personally arrested at Circle Mall, Lekki that claimed to have been detained without being given food while the Officer released two other Hausa women that were arrested along with her because they were Hausa. He queried the facts as presented by the woman to the press because he noted that he, a Yoruba man arrested her, while the other Officer with him was Yoruba and the Military Police investigating was from the South-South.

The witness also made reference to a BBC report where the reporter who claimed that she was there at the scene stated that the troops were shooting in the air, and that the casualties she saw had been overcome by shock. He however noted that the narrative was not thrilling in the public space because it did not fit the narrative of what some members of the public wanted to hear. Consequently, they insisted that images had been photo-shopped and manipulated. However, this was only a ploy by propagators of false news on social media, such as Nnamdi Kanu seeking to drive a wedge between the Army and the citizens of Nigeria. He noted that while such things may appear insignificant, they actually mean a lot and it is these tactics such people use to sow confusion.

He further noted that some impostors presented as soldiers in order to carry out atrocities. This led to the nabbing and parade of fake soldiers by the 81 Division during the COVID-19 period. They were being arrested at the rate of 25 persons per



day. Additionally, he insisted that the image of the Nigerian flag being erroneously used to illustrate the Lekki toll-gate incident and passed off as victims of October 20th, 2020 was not from the Lekki toll-gate incident, and it was imported from ICINigeria.org during a 2018 play themed 'Blood on the Flag Challenge' by the Nigerian Christian Corper's Fellowship. Further, that although his group had refuted it, it wasn't believed and is still being passed on as one of the images from the Lekki incident.

He also gave another example of a lady who was reportedly killed along with two other friends at the Lekki Toll Gate by soldiers. However, the Army had discovered that the lady, known as Lucy Adu truly attended the protest at the Lekki toll plaza. While, it was unclear the exact day she attended the protest, various accounts purportedly originating from a statement by Lucy's friend reveal that Lucy had reportedly boarded a commercial motorcycle along with other passengers. This motorcycle ran into a commercial truck, resulting in three fatalities seen in the video. This information was disseminated through the twitter handle of IK Osakioduwa, a celebrity.

A tweet by way of a clip showing an anonymous soldier purportedly shooting with what appeared to be a tank mounted 50-calibre machine gun also went viral. This video suggested that the soldier was a member of the Nigerian Army, who was shooting at peaceful and unharmed protesters at the Lekki Toll Gate. The witness debunked this misinformation by stating that a 50-calibre weapon is an anti-aircraft weapon used to bring aircrafts down. He asserted that it was unimaginable for such a weapon to be fired directly. He confirmed that from investigations, the video was doctored. That, although the audio seemed to have been taken from the actual Lekki toll shooting incident where soldiers were actually seen shooting in the air with what seemed to be AK-47s apparently to intimidate protesters, note our words, who kept shouting '#EndSARS'. However, the video footage of a soldier allegedly shooting with high caliber machine gun was presumably from a fire fight with insurgents in the North Eastern part of Nigeria.

The witness also gave the example of a rumored death of a certain Youth Service Corps member. He noted that viral reports/images had it that a young corps member (Steve Abbey) was shot in the stomach at the Lekki protest ground on the 20th, amid claims that he died during the shoot-out with his last words being 'Peace and Unity'. However, the rumor was debunked with the person in question coming forward to clarify that the photograph in question was taken during a stage play earlier in the year through his twitter page.

Also allegedly rumored was the death of one Oke Obi, who was said to have been hit in the neck by a stray bullet and later died from his wounds because the ambulance sent to help him was prevented from giving medical aid by the Nigerian Army. The

witness however noted that this story had been refuted by Oke's brother who noted that Oke was stabbed by hoodlums who broke into their home at Makinde Police Barracks, Mafoluku Oshodi, Lagos. He was later pronounced dead at the hospital where he was taken to by his mother and brother.

The witness also intimated that the rumored death of one Iraoya Godwin by a gunshot wound to his stomach during the protest on the mainland. However the alleged deceased person's friend, one Fajensimi took to his twitter page to inform people that Godwin was very much alive. Further, a video was recorded at Godwin's residence to show that he was alive.

Lastly, the witness denied the allegation by a Nigerian, one Catherine Umeh, (a.k.a. DJ Switch) that the Nigerian Army was looking for her, in view of her involvement in the incident of the 20th of October, 2020 at the Lekki, Toll-Gate, Lagos. He noted that he had personally met not less than eight (8) people who attended the #EndSARS protest at Lekki on their own terms. He also noted that he had met doctors who were at the protests and that they allegedly observed that the injuries were not consistent with gunshot injuries.

- Testimony On Number People Allegedly Killed During the Protests

The witness queried the various figures that were being bandied about as the figure of the number of people, who were killed during the Lekki incident on 20th October, 2020. He noted that from various accounts, the number ranged from 15, to 35 and as high as 78 individuals who were reportedly shot dead. He noted that after a considerable detailed search of hospitals and mortuaries in the State, Governor Jide Sanwo-Olu confirmed that only one life was confirmed lost in connection to the Lekki incident. He further noted that according to staff of Reddington Hospital, the death of the unnamed individual was caused by blunt force trauma, which occurred on Admiralty Road, Lekki. In addition, another body with a gunshot wound was deposited in a mortuary in Yaba and investigation was still ongoing to see if this is occurred during the Lekki incident.

The witness indicated the displeasure of the Nigerian Army about two things:

- i. The denial of the Governor of Lagos State, Mr. Babajide Sanwo-Olu that didn't request for the intervention of the Army, when in actual fact; he called the Chief of Army Staff as well as the G.O.C. 81 Division and asked for intervention because the Police had been overwhelmed. However, the Commander, 9 Brigade could not intervene because the proper procedure was not followed, the Governor was asked to call the Chief of Army Staff and the G.O.C. as the G.O.C. was on



assignment in Abuja at the time. He also noted that it was the reasonable and proper action to take, given the circumstance.

- ii. The second issue was when the Governor said two (2) people died. While the Army agreed that one person died at Admiralty Road (which is about 3km from the Lekki Toll-Gate) due to blunt force trauma, however, the second person who died, and whose corpse was taken to the mortuary in Yaba by the police allegedly had a run-in with the Police, taking into consideration the distance between Lekki to Yaba, and reports of sporadic firing in Yaba.

Conclusion of Examination-in-Chief

The witness criticized the extent to which unscrupulous people were willing to go to cast the Nigerian Army in bad light even when it was performing its constitutional duties. He noted that generally, the Nigerian Army and especially Brigadier General Tukur Yusuf Buratai, had given some special directives in the conduct of all Army operations. He mentioned that indiscipline was frowned at. Investigations involving indiscipline by a soldier was investigated immediately by the military Police and sometimes intelligence handled it. Within hours, the Officer is disciplined and in some cases dismissed. However, unlike the great wave the allegations are given when reported, the eventual resolution of the incident/report is never given such wide publicity.

The witness also reiterated that the Chief of Army staff specifically stated that no soldier should molest civilians or defaulters will be severely sanctioned and that this directive was still being carried out till that day. Most importantly, women and children were to be protected at all cost. While 'femicide' was frowned at, infrastructure and businesses were to be protected against arson and looting. He further noted that it was unfortunate that the Army found itself in a situation where people whom they were sworn to protect saw them as enemies. The witness opined that most of the perceptions/mindset/opinion by members of the public towards the Nigerian Army was as a result of ignorance on the Army's set up and operations. He emphatically stated that the Nigerian Army would never turn against the citizens of Nigeria and will always do its best to protect the integrity of the country against external aggression as well as civil insurrection.

Exhibits Tendered

- One (1) blank expended ammunition, one (1) blank unexpended ammunition, one (1) live expended ammunition and one (1) live unexpended ammunition were treated as evidence together and marked Exhibit A.

- An unmarked flash drive was admitted and marked Exhibit B.
- Lagos State Government's Press release of 20th October, 2020 under the hand of Gboyega Akosile, Chief Press Officer, on "the imposition of 24-hours curfew as violence creeps into #EndSARS protest in Lagos State" was admitted and marked Exhibit C.
- Rejected Judgment (tendered at cross examination) of the Federal High Court with Suit No: FHC/L/CS/1939/2019 delivered by Justice R. M. Aikawa marked and admitted as Rejected Exhibit 1.

Cross Examination of Brig. Gen. A.I. Taiwo by Mr. Owonikoko, SAN

Mr Owonikoko, SAN referred the witness to Section 5(2) of the 1999 Constitution which defines the power of the State and what it could not do to overreach the federal authority. In response the witness agreed that by the power of the State could not impede or prejudice the exercise of power in Mr President the commander-in-chief and as such, when it came to the role of the Armed Forces, the Governor of the State could not veto or depart from the directives of Mr. President or persons representing Mr. President.

Mr. Owonikoko, SAN then referred the witness to Section 218 (1) of the 1999 Constitution (CFRN 1999 as Amended) which was in relation to the command and operational use of the Armed Forces which provides:

"The power of the President as the Commander in Chief of the Armed Forces of the Federation shall include power to determine the operational use of the Armed Forces of the federation."

He then asked the witness to confirm whether the ultimate commander of the Armed Forces was Mr. President, to which he responded YES and explained further that all Officers serving either above or below the rank of the witness took final orders from Mr. President.

The witness further explained that there is a body known as the State Security Council in every state of the Federation, which interfaced with the State on security. He further confirmed that the Council consisted of a representative of the Nigerian Army in a State, The Nigerian Navy, The Nigerian Air force, The Director of SSS, The Commissioner of Police and The Attorney General as members while Mr.. Governor



presides over that Council. The witness stated that he was not privy to the meeting of the Council which held on the 19th of October, 2020. The witness then confirmed that he knew Brigadier General Musa Etsu Ndangi who was the Commander of 9 Brigade as well as a member of the Lagos State Security Council.

The witness noted that he was unaware that the state security council had determined that circumstances warranted that a curfew be declared given the state of security as at the 19th of October, 2020. He however agreed that he was aware of circumstances that led the State Government to declare a curfew on the 20th October 2020. When asked to itemize four (4) or five (5) Intel that convinced the witness that the declaration of a curfew on the 20th was necessary, he listed the following:

- i. The occupation of many highways by hoodlums who were committing unspeakable crimes;
- ii. The looting of businesses especially on the Mainland, Lagos;
- iii. The looting, destruction, burning of Police Stations such as the Orile, Ajeromi and Ojo Police Stations; and
- iv. The carting away of arms and ammunition.

The witness stated that as of the 20th of October 2020, there was an active situation in which policemen who were on and off duty were being maimed and killed, at Apple Junction, Festac, Lagos. Although the witness noted that as at the 20th of October, the Lekki toll-gate did not experience incidents he previously mentioned. However, he received information that there was an attempt to vandalize Oriental Hotel which is adjacent to the Lekki Toll-gate. He further noted that based on intelligence, the Lekki Toll-Gate was not a place of interest in terms of traffic, however, it was a thoroughfare for the troops. That, that was the only way they could go and deploy at the Epe, Ibeju-Lekki and Sango-tedo axis of Lagos state.

In addition, the witness confirmed that prior to the #EndSARS protests the Lagos State had declared other curfews in the State, in 2020. He also noted that during the pandemic, Lagos State Government had first declared a curfew in the State before the President's own declaration of a nationwide curfew followed, which would override that which was declared by any other person, as it was part of the Management Protocol for the COVID-19 pandemic. The witness further stated that in terms of operational command in Lagos, Major General Godwin Umelo was the highest military Officer and that the Governor of Lagos State had no powers or right to direct any Army Officer or men because he was not a Commander or senior Officer in the Army.

The witness however denied that the Chief of Army Staff gave the GOC 81 Division the signal for the military to enforce the curfew. He clarified that the signal was given to restore normalcy, law and order. The witness also clarified that Lieutenant Colonel Bello was the Commander of 65 Battalion and a member of the 81 Division, Bonny Camp Formation and that he was taking his orders from him. He further noted that the Bonny Camp formation is made up of many formations called Headquarters and the Battalion. In addition, the Army unit who were on their way to the Victoria Island/Epe axis to restore normalcy was led by Lieutenant Colonel Bello.

The witness disagreed that the original #EndSARS protesters who engaged in valid, lawful protests to effect some type of positive response from government and whose demands Mr. President acceded to were not hoodlums at the time, until these things got out of hand. He based this assertion on the fact that when the looting and mayhem started, it was done in the name of #EndSARS. That the Women, men and children who were looting, carrying bags of looted items on their heads were shouting '#EndSARS'. He further noted that there was no way to differentiate them from the original protesters, and they did not have uniforms. The witness however agreed that to the best of his knowledge, the 5 for 5 demands/concessions made by the #EndSARS protesters, whom the government recognized had not been reversed as at that day and they still stood as accepted demands.

The witness confirmed that the demands of some of the members of the #EndSARS movement were taken to Mr. President in Abuja by Mr. Governor. He also agreed that his assertion where he stated that any protest which exceeded three (3) days in Nigeria was bound to be hijacked by hoodlums was not a theory per se, as it was tested in Nigeria. He noted that he was speaking from experience of what occurred back in the 80's and 90's during protests. However, he agreed that in Hong Kong protests lasting over 8 months defeat the 3 day theory.

In respect of the deployment of troops during operations, the witness disagreed with Mr Owonikoko SAN, noting that when troops were deployed on operations, they were 'briefed' and that 'debriefing' is done after the operation to assess 'the lessons learnt.' He also agreed with the Mr Owonikoko SAN that the Army personnel actually got to Lekki toll-gate, and that their interaction did not involve anything that will be counted as breach of rules of engagement. On the issue of whether there was a report of any fatality or casualty after the debriefing, the witness responded in the negative.

The witness explained that Phases 1-3 of the Internal Security Operation in terms of deployment of Armed Forces basically involved observation, monitoring, training and readiness for deployment while Phase 4 involved the actual deployment to especially hot places that had problems, patrols and so on. He noted that the Army was currently in Phase 4 in Lagos State. He testified that before Phase 4 is activated, the Governor



would have sought the Army's permission or made a few calls or passed some letters around to the President but in the instant case, the Governor called the Chief of Staff to the President. He agreed that although the Governor had called the Chief of Army staff to the President, it would have been a request, as opposed to a demand. The President had the final decision in acceding to the request by determining whether the request was warranted at the time. The witness further agreed that if Mr. President had considered that it was unnecessary to deploy the military, the Governor was in no position to direct the Army to go out.

Cross Examination of Brig. Gen. A.I. Taiwo by Mr. Rotimi Seriki

Mr. Seriki, began by asking the witness whether he had had cause to pass through the Lekki toll plaza at any point since the existence of the toll plaza and prior to the day of the incident. The witness responded positively and agreed that on each occasion he observed that the toll managers had their staff positioned in the tolling posts, selling tickets to vehicles that drive up to the toll gate. He further agreed that on the 20th of October 2020, the Army arrived at the Lekki toll plaza after 4pm when the curfew was initially supposed to take off.

The witness noted that the Army had been at the toll plaza for perhaps, 1 hour 20 minutes from when they arrived at 4pm on the 20th October until midnight of the night of 20th. Lastly, when asked by the Mr Seriki if throughout the period of the stay of the Army at the toll plaza, he observed any staff of the toll plaza managers either in the cubicle or within the vicinity of where the protesters were, he stated that he doubted that anybody would have been there.

3.11 Cross Examination of Brig. Gen. A.I. Taiwo by Mr. A. Olumide-Fusika, SAN

He asked the witness if for example, he, (Mr. Fusika) were going on the street and he was being attacked or robbed, the witness would intervene, whether or not he was dressed in uniform. The witness responded that he definitely would. He further noted that he need not wait for anyone to tell him to respond before he would, especially where it was a situation of life and death. Even where it was not necessarily a life and death situation and he was even a civilian, he would still protect Mr. Fusika.

In addition, he agreed that where the roles were reversed, Mr. Fusika as a civilian could intervene if he saw Brig. Gen. Taiwo in distress. He emphasized that it was the human thing to do. When asked whether he understood the difference between such hypothetical situation and organizational deployment, the witness confirmed that he did. He understood the difference in somebody telling him to take his troops to a particular place without actually following certain procedures.

The witness stated that although the Governor made a request for the intervention of the Nigerian Army, he did not give any instruction. He however confirmed that the owner of SPAR asked for intervention when his place was being looted on the 21st of October, 2020. He stated that the owner had called him, introduced himself, and informed him of the situation that was developing around his business, begged and requested that he ensure that the place was not burnt. He further stated that he had neither met nor spoken with him and he might have obtained his phone number from someone. In addition, he admitted to getting such requests from different people.

The witness further stated that after getting the request, the troops and himself deployed there in their uniforms and with their weapons. He personally went from Shoprite, Lekki Circle Mall. The witness however explained that the distress call was made after the curfew had been activated, and that if for example, he had received the request for assistance/help on the 14th of August, 2020 he would have referred him to the Police for assistance. The witness further explained that once the Army or the Armed Forces had been deployed, the Police had to take a back seat immediately. Further, that it is only in Phase 5 (the stage of withdrawal) that the situation is handed over to the Police. In addition, all looters, rioters, killers, murderers, rapists arrested during internal operation 4 (Phase 4) must be handed over to the Police for prosecution. The witness disagreed the assertion that Nigerian Army would not follow the rules of engagement, where it received requests from friends. He asserted that it was an assumption reached by Mr. Fusika.

The witness confirmed that the provision of Section 217(2) (C) of the 1999 CFRN (As Amended) justified the intervention of the Army wherever there was a riot.

When Mr. Fusika, SAN sought to tender a Judgment of the Federal High Court with Suit No: FHC/L/CS/1939/2019 delivered by Justice R. M. Aikawa, the Panel rejected it on the ground that Mr Fusika SAN failed to show the nexus between the issue contained in the Judgment and the Lekki Toll Plaza issue, which was subject of investigation by the Panel.

When Mr Fusika SAN attempted to cross-examine the witness on 'Operation Positive Identification' which sought to find out the identification of foreign persons who were committing acts of terrorism in the ranks of Boko Haram, the panel asked him to link it to the issue of the Lekki tollgate incident.



**SUMMARY OF THE PROCEEDINGS IN RESPECT OF THE LEKKI TOLL-GATE
INCIDENT ON THE 21ST OF NOVEMBER, 2020.**

Appearances:

- Akin Elegbede with Afolabi Seriki for Lekki Concession Company.
- A. J. Owonikoko, with Olukayode Enitan SAN, alongside I. J. Okechukwu Esq., Y. Gbadebo and Joshua John, Esq. for the Lagos State Government.
- Akinlolu Kehinde with Ogbeni Biola Oyeboji, Col. Michael Ege Elong Rtd. and Major T. O. Ehicheoya for the Nigerian Army.
- Adesina Ogunlana with Lateef Abdulsalam Esq. and Ayo Ademiluyi Esq. Joan Ohwaeuono Esq. for the following #EndSARS protesters, Victoria Oniru, Dabira Ayukwu, Kamsichukwu Perpetual Ibeh, Olugbe Ofoluwafo, Samuel Isah, James Akhigbe, Nicholas Anthony Okpe, Patrick Okala and Damilola Adedayo.
- Abioye Akerele with Bernard Oniga for the Nigerian Bar Association.
- Adeyinka Olumide Fusika with Rabiya Fawehinmi-Morakinyo and Onidebe Effiong for a group of victims consisting of Raimi Olumide, Solomon Samuel, Olamilekan Sanusi, Ayodeji Beckley, Samuel Asala, Agbese Isiwu and Onileowo Legend.
- O.E. Bamgbala with John Uthman for for Lucky Philemon.

Continuation of the Cross Examination of Brig. Gen. A.I. Taiwo by Mr. A. Olumide-Fusika, SAN

When asked to confirm that the justification he gave for the Army's involvement in the #EndSARS protests was partly because he stated that the Police was overwhelmed and that police stations were being burnt, the witness confirmed that he stated that three (3) police stations to wit: Ajegunle, Orile and Apple Junction were burnt while others had their armories looted. He however denied being aware that the Inspector General of Police had put out a publication stating that the police was overwhelmed.

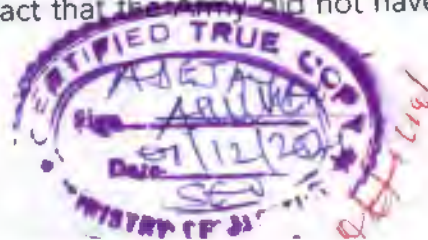
When also asked whether three Police Stations being burnt amounted/translated to the fact that the police force was overwhelmed, the witness responded by stating that Orile, Layeni, Ilasamaja, Ikotun, Igando, Makinde, Onipanu, Ebute Ero, Pen Cinema, Cele, Alade, Makoko, Amuwo Odofin, Surulere Police Stations were also burnt before 2pm on the 20th of October, 2020. Mr. Olumide-Fusika SAN, then asked the witness if he realized that the statements he had just made were capable of being fact-checked.

The witness then confirmed that apart from Lagos, Abuja and Rivers, other states also had the #EndSARS protest. He however disagreed that prior to the invitation of the Nigerian Army, it was impracticable for the Police to have expended its own resources, by moving Policemen from other locations to Lagos, because those other places were also on fire. He also noted that, the basis for the protest in the first place was the Police, especially the Special Anti-Robbery Squad (SARS).

When further asked to confirm that another reason why the Army was invited was because of the burning of the Oba's palace, the witness agreed that the said incident occurred on the 21st of October, 2020 as opposed to the 20th. Additionally, Mr. Olumide-Fusika SAN, noted that the burning of the Lagos State High Court and his deployment of troops to SPAR could not have been one of the reasons for the deployment of troops in respect of the #EndSARS protests as they all occurred on the 21st. Mr. Olumide-Fusika SAN maintained that the witness could not allege that law and order had broken down and those were the reasons for requiring the assistance of the Army, as those incidents occurred after the incident at the Lekki toll-gate.

Mr. Olumide-Fusika SAN then put it to the witness that there was no emergency or overwhelming situation that required the presence of the Army to be at Lekki toll gate on the 20th OCTOBER 2020, because even the beheading of the policeman which he showed clips of occurred on the 21st of October at the Eti-Osa Jakande area. Moreover, the victims and the police stations were yet to be identified by the Army. The witness confirmed that all the video clips he showed to the public were obtained from the internet/ open sources, and that it was the factual basis to justify his narration that there was a breakdown of law and order in Lagos State. While the witness stated that his operatives who were deployed all over Lagos only corroborated the fact that stations were burnt, they didn't corroborate the names of the stations burnt or the names of the Officers that were affected.

The witness asserted that he does not tell lies. When asked whether he was aware that the Army had denied being at the tollgate, the witness responded by stating that the first statement issued was borne out of the fact that the Army did not have the



full facts available at the time; while the second was because nobody was 'sent to the Lekki toll gate to break up any protest'. The witness denied being at the toll gate.

The witness denied being aware of the fact that because of the denial by the Army that the Army was not present at the toll-gate on the 21st October 2020 the Attorney General of the Federation had also publicly said that if anybody was there in military uniforms, they must have been hoodlums. He also denied being aware of the subsequent admission by the Governor of seeing a footage that showed that the Army was there on the 24th October 2020. The witness further denied being aware of the HQ Nigerian Army's Twitter handle as he was not on Twitter. When asked if he was not speaking for the Army, the witness stated that he was there to give a personal account as the senior Officer on ground on that day, as well as for the 81 Division. Mr. Olumide-Fusika SAN, then put it to the witness that as at the 21st of October, 2020 the Nigerian Army's Twitter handle still carried the information that there was no military presence at the tollgate.

The witness confirmed knowing one Major Osoba Olaniyi, who also put out a second statement admitting that the Army was present, and that they shot, but not at protesters. When further asked to clarify what his intelligence was behind the burning of Clarit Plaza, the witness stated that the investigation revealed during the crisis, that the owner of the Plaza spoke to the Baale to help him ensure that his property was not torched. Both parties agreed to the sum of Two Hundred Thousand Naira (N200, 000). However, the payment was made to the Baale's brother who only gave the Baale N40, 000. This made the Baale unhappy. The property was eventually burnt on the night of the 21st of October, 2020.

When asked if the matter was reported to the Police, the witness stated that as at the time, the Police were unavailable, and did not return until the following week. However, that incident and other matters were handed over to the police on the 23rd-24th of October, 2020, when the police came to pick up the looters. He further agreed that while the identity of the people who torched the Clarit Plaza was still unknown, they could still be unraveled. The witness attributed the torching of the Orile Police Station to general unrest and lawlessness. He however denied being aware that there was another version (the killing of a member of the community by the D.P.O. of the Station) which was totally unconnected to the #EndSARS protest.

The witness agreed that it was not the first time that police stations would be burnt in Nigeria and that soldiers were not always deployed each time they were burnt. When asked if there were any other uniformed organization apart from the Army on ground at Lekki, the witness noted that the Nigeria Police were around on the left part of the toll gate, guarding the Oriental hotel. The witness stated that the Army

started to shoot into the air by 6:43pm. He vehemently denied that the Army started to shoot under the cover of darkness.

He further stated that apart from men in uniform, the Army left the base with vehicles, rifles and guns, which could contain either blank or live bullets. The witness also stated that they went to the scene with live ammunition and water. The witness agreed that the video did not show the portion where the protesters were allegedly stoning and attacking the Army because the video had panned out at about 6:55pm. He also stated that the troops were the ones who gave water to the protesters and re-emphasized that he was not physically at the toll-gate. He denied the assertion of Mr. Olumide-Fusika SAN, that the people sharing water were Navy Officers trying to get passage to go and save a vessel since their Dockyard is in Apapa. He also noted that while the video clip did not actually show where the Army gave out water and were being attacked and stoned, it showed the aggressive movement being made. He also insisted that the Officers were indeed pelted and stoned just as they dismounted, which warranted them to fire blanks into the air. He also obtained his information from the monitoring he carried out and he did not get to the scene until the day after.

The witness impressed upon the Panel the fact that the Army employed non-kinetic measures and used blank ammunition. He noted that the troops advanced from the Ozumba Mbadiwe direction, moved from Oriental Hotel toward the toll gate and then dispersed the crowd toward Lekki first roundabout. He confirmed from the LCC footage, that the troops did not confront the protesters immediately. He further stated that by the time the troops fired into the air, the hoodlums high tailed it. He noted that none of the protesters/hoodlums were arrested. He further noted that only one Officer, Major Saheed, was injured. The said Officer got hit by a stone to the mouth. He suffered a cut to the lip and was treated at the Military Reception Center.

Brig. Gen. Taiwo stated that Lt. Col S.O. Bello, the Commanding Officer, 65 Garrison was on ground. He was later joined by Brig. Gen. F. O. Omata joined him. When asked who gave the order to shoot, he said that the commander on ground gave the order to shoot in the air. He stated that when he got to the toll gate the next day, he stated that he didn't see any signs of gunshots, but destruction.

Mr. Olumide Fusika, SAN countered this assertion by informing the witness that he had photographs taken by him showing gun marks on objects including including loudspeakers. In response, the witness requested that the photographs would have to be subjected to forensic tests if he were to believe they were actually gunshot indentations. The witness further denied that the Nigerian Army could not have tried to clean up the scene. He also denied that Major General Omata was the one who



later came to stop the troops from shooting. He noted that General Omata was only there after the shooting in the air occurred.

The witness agreed that he saw the LCC footage showing a bon fire/ flare, but denied that the bon fire was lit with the consent of the troops. He maintained that no one died at the toll-gate and no injuries were sustained to his knowledge. While he denied that the Governor in some of his interactions with the Press mentioned that seven (7) protesters were admitted in different hospitals; notably Grand View and Reddington hospitals in Lagos, he agreed that two (2) people died. He noted that one person is alleged to have died from blunt force trauma to the head on Admiralty way while the other died at Yaba. He disagreed that although the individual died on Admiralty way which formed part of the Army's corridor all the way to Epe, the death had no connection to the Lekki toll gate.

While the witness agreed that while the troops were shooting in the air, people were running he noted that the Governor was probably misinformed as to the number of wounded people. He also disagreed that the only thing the LCC footage proved was that the Army got there during daytime, but started their operation at night. He also noted that BCC reported the incident on the 21st while CNN in later days also reported it. He didn't see any of the other reports as he and other soldiers were busy. He denied that the Army did not present the other ones because they were unpalatable to its narrative. In addition, he was uninterested in seeing the CNN footage.

Cross examination of Brig. Gen. A. I. Taiwo by Mr. Adeshina Ogunlana

When asked what military men of his level were called, he responded that they would be called An Officer and gentlemen. When further asked what it takes to be referred as such, the witness responded that such a person would need to exhibit the highest level of chivalry, honor and integrity. The witness noted that Lt. Col. Bello arrived at the Lekki toll gate before Gen. Omata. He further noted that Gen. Omata was there not because Lt. Col. Bello could not command well, but because the entire 81 Division Garrison had been given the joint responsibility of securing that sector. They were to carryout joint patrols all the way to Ibeju-Lekki to Badore. In addition, both Officers in question went to their units with their respective forces.

The witness stated that the reason why the GOC and he were calling Gen. Omata to verify what was going on at Lekki was because the GOC was not in town at the time, while Gen. Omata was already on ground. He further stated that the reason why he called Lt. Col. Bello was to confirm the true state of affairs, as he had been getting

conflicting reports from social media and the internet. He stated that some of the conflicting reports included live streaming of shootings, people screaming that they were being killed and that people were being killed. Lt. Col. Bello however assured him that while two (2) people fainted and had been revived, no one had died.

The witness also confirmed from his phone that he called Lt. Col. Bello at about 7.35pm. When asked whether Gen. Omata was not yet on ground at that time, the witness noted that he spoke with Gen. Omata several times using Lt. Col. Bello's phone. He also stated that by several calls, Gen. Omata told him that the situation was not as tensed as it was being reported. Further, that they had cleared the entire place around 8.45pm and were on their way back to their unit. The witness confirmed that after the incident at the Lekki toll-gate, the particular battalion as commanded by Lt. Col. Bello went back to their units. He stated that they later went back to Epe around 11pm. He also agreed that the LCC footage did not show that the toll gate was being burnt.

It is the belief of the witness that the toll gate was burnt between 9-10 pm by hoodlums, not protesters. The witness vehemently denied giving the directive for the activation of phase 4 of the Internal Security on the 20th of October, 2020. He noted that giving such order was not within his powers. Only the Chief of Army Staff has the authority to send such a/s any signal. He stated that the signal for the activation of Phase 4 was given at about 3pm. The witness stated that he was sure of the things he was saying. He agreed that there had to be a breakdown of law and order beyond the capacity of the civil police before the activation of Phase 4, and that the purpose of activating phase 4 is to deploy troops outside the Barracks, in order to quell disturbances, riots, insurrection and dire situations. He agreed that the need for Rules of Engagement was to ensure professionalism, guide the conducts of both Officers and troops and to prevent the misuse of lethal force.

When asked the reasonableness in arming soldiers with blank bullets in the activation of Phase 4, the witness noted that soldiers would have been given both blank and live bullets because the Army knew that hoodlums had infiltrated the midst of peaceful protesters. He agreed that the troops under Lt. Col. Bello were armed with blank and live bullets and that while live bullets could kill, blanks do not kill. The witness noted that it was impossible for the LCC footage to show where the army negotiated with the protesters before shooting into the air, because the troops were being attacked and pelted with stones.

The witness agreed that while the soldiers in Lagos State operated Phase 4 in many places all over the state ensuring security, only its presence in Lekki was controversial. He clarified that he told the Governor that the Army was displeased with him because he denied asking for the intervention of the Armed Forces when he actually



requested for it. The witness insinuated that the statement of the Governor was not a lie, but a misunderstanding of his orders. He confirmed that he obtained his videos from open sources which proved credible, because his operators confirmed them.

Mr. Ogunlana requested that one of the videos shown by the witness, in which a voice was heard shouting "Jesu Jesu, they're shooting, they're shooting" be replayed. Although the witness initially denied that a certain person was heard saying "shooting at protesters", he later confirmed hearing it. Mr. Ogunlana also requested that video '20201020.wa0313' of Hq81D file, where people were heard saying soldiers have killed someone be shown to the witness. The witness however declared that while someone could be seen lying on the ground with what looked like blood, the video was fake. He also disagreed that the Nigerian Army did not have its own recordings.

While the witness agreed that the summons that brought him before the Panel was to enable him give evidence on the Lekki toll incident of 20/10/2020 he disagreed that not less than 90% of his testimony before the Panel was outside the incident. He also noted that the people the troops met at the toll gate were not in breach of the curfew. He further noted that the troops were not there to enforce the curfew. The witness stated that the General Officer Commanding, 81 Division did not have the phone number of the Governor, and he was also not a member of the Lagos State Security Council. However, Brig. Gen. Musa Etsu Ndagi, the Brigade Commander, 9 Brigade, was a member of the Council. He also confirmed that Brig. Gen. Musa Etsu Ndagi in his Affidavit confirmed that the Governor called him.

Lastly, the witness confirmed that law and order had broken down. He also confirmed that the police had been overpowered on the 20th of October 2020. However, if the Governor had declared a curfew on the 18th or 19th, it would not have been reasonable because at the time, violence had not crept into the activities of the hoodlums. While there were one or two killings, the situation had not degenerated.

Cross- Examination of Brig. Gen. A. I. Taiwo by Mr. Bernard Oniga, by mandate of the President of the Nigerian Bar Association on Grounds of Public Interest.

The witness confirmed that the Army was not on a mission to the toll gate, but to ensure normalcy on the Eti-Osa to Epe corridor. He noted that the GOC was the one with the responsibility of exercising discretion in whether to use an alternative route since he knew that protesters were at the Lekki toll gate. However, once the troops arrived at the toll gate, they were attacked. He confirmed that the troops responded to the attacks. When further asked if it was the habit of the Nigerian Army to respond

with gunshots when being pelted with stones, the witness responded that if they were being pelted with stones, the only response was gunshots.

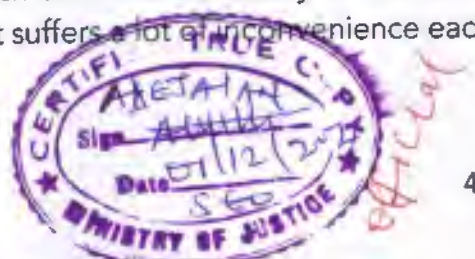
He clarified that every civilian is their brother and sister, and that they were civilians before joining the Army. Further, after a period they became civilians again. He disagreed that the wanton loss of lives and properties which occurred on the 21st of October, 2020 was in response to the way the Military handled the matter at the toll gate. He noted that the loss of lives and destruction had started to occur prior to the 20th of October, 2020, especially to Police Officer s. He also believed that the loss of lives occurred mainly on the Eti-Osa to Epe corridor and they were basically cult wars, score settling and lynching.

Lastly, the witness maintained that there was no nexus between the torching of the Jakande Shopping Mall, SPAR, Clarit Plaza which occurred on the 21st of October, 2020 and the Lekki incident, which happened on the 20th October 2020. Further, that given the same set of circumstances that occurred on the 20th, he and the Military would act in the same manner.

The witness was discharged. In addition, the application by counsel to the LCC, for the LCC to take possession of the Lekki toll plaza in order to evaluate the extent of the damage done and enable the presentation of their claims to their insurers was denied. The proceedings were subsequently adjourned to the 27th of November, 2020.

When the matter (Nigerian Army Summons) came up again on the 30th of January, 2021 for Hearing, Mr. Olukayode Enitan, SAN applied that all matters involving the Nigerian Army be adjourned, possibly for two (2) weeks; while Summonses are again served on the new Chief of Army Staff, due to the change in the leadership of the Nigerian Army. This, he noted was to enable the Army be present before the Panel, to present their specific responses to the cases by the several Petitioners and to enable them speak on the bullets which were brought before the Panel. Mr. Ogunlana however opposed the Application on the ground that while there was indeed a change in leadership of the Army, Colonel Bello and General Omata, who were participants and were at the scene of the incident were still available but had refused/ignored the Panel. He indicated his readiness to continue with the hearing of the matter. On his part, Mr. Olumide Fusika, SAN, aligned himself with the position of Mr. Olukayode Enitan, SAN on the premise that the indulgence to be granted by the Panel will show whether it was the Nigerian Army as an institution or its leadership that has a problem with appearing before the Panel.

Mr. Bamgbala on his part posited that in as much as he is moved by Mr. Enitan's comment, his grouse is with the fact that his Client suffers a lot of inconvenience each



time the Panel has to adjourn the proceedings, as he is based in Kaduna. He subsequently aligned himself with Mr. Ogunlana's position.

The Panel subsequent to hearing the arguments of Counsel on the issue, decided that it would give the Nigerian Army the last opportunity of an adjournment for it to reconsider and change its previous attitude of ignoring the Summons issued on it, in the interest of fair hearing. Further, fresh Summonses were directed to be issued on Officers who were expected to conclude the case of the Nigerian Army and further proceedings were adjourned to the 27th February, 2021 for the conclusion of the evidence of the Nigerian Army. Furthermore, the Ruling of the Panel was to apply to other petitions against the Nigerian Army listed before the Panel for the day's proceedings.

EVIDENCE OF LEKKI CONCESSIONS COMPANY IN RESPECT OF THE LEKKI TOLL-GATE INCIDENT OF 20TH OCTOBER, 2020.

The evidence of the Lekki Concessions Company began with the CCTV footage in respect of the incident which occurred at the Lekki Admiralty Toll- Gate, (Sand Fill), Lagos.

Appearances:

The following appearances were entered in respect of the Summons dated 28th October, 2020 issued to the Lekki Concessions Company:

- Rotimi Seriki with Omotayo Omosehin and Akin Elegbede for Lekki Concession Company.
- J. Owonikoko, SAN along with Olukayode Enitan, SAN Joshua Tony Esq. and Yetunde Olabode Esq. for the Lagos State Government.
- Adeshina Ogunlana appearing with Lateef Abdulsalam, Ayodele Ademiluyi and Peller Ogba for the following ENDSARS Protesters: Victoria Oniru, Dabira Ayuku, Kamsinchukwu Perpertual, Olugbe Ofoluwape, Samuel Isa, James Akhigbe, Nicholas Anthony Okpe, Patrick Okala and Damilola Adedayo.
- Adeyinka Olumide-Fusika SAN with Rabiya Fawehinmi-Morakinyo and Onaolapo Obilade appearing for Raimi Olumide, Solomon Samuel, Olamilekan Sanusi, Ayodeji Beckley, Samuel Asala, Agbese Isiwu and Onileowo Legend.

Exhibits:

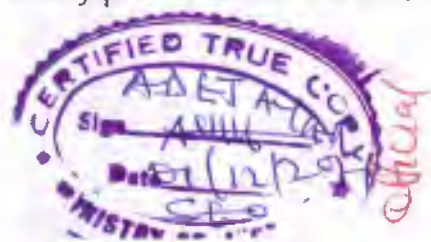
- Footage of the event at the Lekki Toll Plaza on the 20th October, 2020 was admitted and marked as Exhibit D.
- A flash drive tendered by Mr. Adeshina Ogunlana Esq. was admitted and marked as EXHIBIT F.

Summary of the Cross-Examination of Mr. Abayomi Omomuwasan, Managing Director, Lekki Concessions Company by Mr. Adeshina Ogunlana

Mr. Omomuwasan stated that he is the Managing Director/Chief Executive of the Lekki Concession Company. He joined the LCC sometime in September, 2019. He is only aware of five (5) Managing Directors that have been appointed prior to him. He stated that the company was founded around 2006. He has information regarding the incorporation of the company. He confirmed that the LCC is wholly owned by the Lagos State Government. He stated that the Directors are appointed by the Lagos State Government. They include the Commissioner for Finance, Commissioner for Transport, Attorney General/Hon. Commissioner for Justice, Hon. Commissioner for Budget and Economy, Special Adviser (Works and Infrastructure), two independent Directors and himself. He further stated that the Independent Directors are one Obafemi George and Olusola Oworu (Mrs).

The witness confirmed saying that in order to avoid any form of confrontation, the company sent its staff at the Lekki toll gate a memo on the 20th of October asking them to leave the facility. He further confirmed that when the announcement for the curfew came, he sent a memo directing the staff to leave the facility upon the announcement of the curfew. He agreed that the Lekki Toll gate had been totally occupied by the protesters. He noted that the LCC is into the business of infrastructure development and toll road management. He affirms that the company collects tolls. He states that he is unaware of any other road apart from the roads which he manages, where people have to pay a certain amount of money to go through. He further stated that he is unaware that the LCC is the only company on the Island which has a franchise for using any road.

The witness denied being aware of any protest/demonstrations against his company prior to 2020. He however admitted to being aware that in the past, Nigerians had gathered at the toll gate maintained by the LCC protesting against the tolling prior to and on his appointment; specifically 2010-2011. However, he does not recall how long such protests have lasted, neither is he aware of any period where the LCC has requested the assistance/intervention of soldiers.



He clarified that it was not until the 11th October, 2020 that he knew that the people who visited his company around the 8th of October, 2020 were #EndSARS protesters. He confirmed their identity when some group of people on Twitter alleged that he, together with the Chief Security Officer under the instruction so of the Government of Lagos State were planning to bring in SARS in order to arrest the protesters at the toll gate. He noted that while the protesters left the toll gate on the 21st of October 2020, he does not know how they left the toll gate. While he agrees that the company lost revenue, he is indifferent about the occupation of the LCC by the protesters. He confirmed that upon the occupation of the premises of the company, he communicated this fact to the members of the board of the company, and he does not know how much the company lost in terms of revenue during that period.

The board, through a communication decided to adopt the wait and see approach. The Board did not meet to discuss the occupation of its facilities by the #EndSARS protesters. He stated that he is unable to avail the Panel a record of the Minutes of the communication and the decisions taken before it was done by way of phone call. He confirms that the LCC is a private/limited liability company, despite the directors being government officials. He however explained that although the LCC was originally owned by some private shareholders, the Government of Lagos State bought the company. Sometime in 2014, the Lagos State Government bought the entire stakes in the company, but it still operates as a Limited Liability Company.

He noted that the previous owners were private shareholders such as ARM, a Nigerian company and AYEEN, a South African company and other investors. The witness stated that the LCC pays tax to the Lagos State Government. He confirms that there are plans for the LCC to apply for insurance arising from the incident. He stated that he believes that the Ikoyi toll gate was set ablaze around 8pm, although he cannot be sure as he was not there at the time. He gathered this information from intelligence sources.

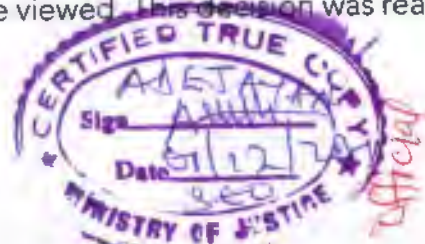
He states that the LCC has many and different types of cameras. He does not know the exact number, and he further clarified that he assumed office sometime in September, 2020. The witness confirmed that some of the equipment of the LCC were pilfered and vandalized while the company harvested other cameras and equipment to prevent them from being stolen. A staff, that he did not know his name removed about three (3) cameras and one (1) tolling systems such as the Automatic Vehicular Classification (AVS). However, he is willing to provide the details of the person subsequently. In addition, more than fifteen (15) others such as the tolling system cameras were burnt while the surveillance cameras were not burnt.

The witness confirmed that he read in the newspapers that the Governor brought some persons to visit the toll gate on the 25th of October, 2020. He was not informed about the visit. To the best of his knowledge, other members of the Board were not also there. He denies knowing the whereabouts of the camera reportedly found and taken away by Mr. Babatunde Fashola SAN. The witness confirmed that he was also at the toll gate when the Panel went there. He went with the Panel and also saw Mr. Adesina Ogunlana there too. The witness noted that he has never seen a bullet before, neither has he seen a picture of it as well because he is an accountant.

Mr. Omomuwasan stated that the IT department headed by one Femi Oyinloye is in charge of cameras. Although the surveillance cameras were bought early this year, he does not have their details. He also does not know the difference or comparison in bullet or fish eye cameras because he is not an expert in cameras. He agreed that he had earlier given evidence in respect of the workings of a PTZ camera used by his company; however, he did not install it and he does not man it. They are manned by a unit comprising about forty (40) staff, headed by one Michael Aina who works in shifts. He is unsure of the staff, who manned the cameras on the 20th of October, 2020 but he could find out from the roster up to the time everyone was asked to go home. Mr. Adesina Ogunlana indicated that he would need the register. He confirmed that the evidence he gave in respect of the PTZ cameras were not from his direct knowledge, but from information obtained from camera footage which self-operate and recorded the incident. He further confirmed that the footage he presented is the same with what was on the PTZ camera.

The camera, the witness stated was not submitted to the Panel as he was not asked to bring it. In addition, the PTZ camera is a self-operating one that is remotely controlled from the control room at the Toll Plaza 2 office located at Chevron. He explained that the camera worked on its own, and that it was set up and designed primarily to capture traffic in areas of interest to the company. The expert of the installing company set it up. He disagreed that on the 20th October 2020 that the camera preset, was due to human interference/handling. He insisted and maintained that the camera which he saw, and that produced the footage for over twenty (20) hours worked sufficiently well. He further opined that there was substantial, abundant, statistical corroboration that could be relied upon to conclude that the camera passed a test.

Upon the objection of Mr. Rotimi Seriki, on the question asked by Mr. Adesina Ogunlana on the panning and irregularities of the PTZ camera which he alleged was probably caused by human intervention, despite the claims of the LCC that it was a self-operating camera the Panel ruled that the relevant portion(s) of the footage complained of by Mr. Adesina Ogunlana would be viewed. This decision was reached



on the premise that where a party complains of any irregularity, it is only fair and in the course of justice to be allowed to establish such irregularity. To shut such a party out of this fundamental complaint will not be in the best interest of justice and the investigations to be conducted by the Terms of Reference. The proceedings was adjourned to the 11th of December 2020.

Summary of the Continuation of the Cross-Examination of Mr. Abayomi Omomuwasan, Managing Director, Lekki Concessions Company by Mr. Ogunlana on the 11th of December, 2020.

Mr. Adesina Ogunlana began by asking the witness if on the 20th October, 2020 the PTZ camera was manned or it was on preset as usual. Mr. Omomuwasan explained that the camera works on its own, and that it had the capability of working on its own if there was no human being manning it. He further explained that on that day, it could not have been manned as there was no staff on ground after the declaration of the curfew. The witness further clarified that the camera worked on its own up till the time it ended. The witness insisted and maintained that the camera was neither manned nor controlled by a human being.

Mr. Adesina Ogunlana asked the witness to confirm that from 12am till 1:17pm, the average time of the camera's oscillation was in the range of 15s to 19s, meaning that the camera was not preset. Mr. Ogunlana then requested that the footage be played at the 00:02:45, 00:03:32 to stop at 00:03:49, 00:04:27 to stop at 00:04:48 (21 seconds), 00:04:48 till 1pm, 13:16:10, 13:16:41 to stop at 13:17:21, 13:19:00, 13:39:00 (noting that the video remained static for 17 minutes), 13:56:20 for 15 minutes more, 19:01:00 for 34 minutes, 16:19:05, 16:17:28 and 16:20:01.

The witness responded by stating that Mr. Ogunlana's observations only underscored his position that the camera was not preset. He noted that if it had been manned by a person, such person would have noted it and corrective measures would have been taken. Again, the witness noted that no staff of the LCC was at the toll gate. The witness refused to admit that the PTZ camera was technically faulty and needed to be corrected. He noted that like in any system or a phone, incidents can happen but interventions or corrective measures could be used to correct any discrepancies.

The witness also confirmed that the LCC took measures to remove its equipment like the cameras and so on, because they were being pilfered. When asked to show the portion which captured the moment(s) where equipment's were being stolen, the witness informed the Panel that the PTZ camera would not have been able to capture the incident because it was a surveillance camera that worked above the canopy. He further noted that no camera would have been able to capture the moment the equipment were being looted. He stated that as at the day when the incident

occurred, there was no way the LCC would have captured the incident technologically.

When also asked to identify the portion of the footage showing where protesters were pelting the military Officers with stones, the question was objected to by counsel to LCC and same was upheld by the Panel on the basis that the evidence of the witness is clear as to the fact that he was not at the scene at that material time. The Chairperson also noted that the purpose of the footage presented before the Panel is because the Panel demanded that LCC produce the footage pursuant to the witness summons.

Lastly, the witness noted that the LCC has no local security company working with his company. The witness insisted that the LCC had no local security outfit, despite the Lagos State Governor stating that the LCC indeed had a local security company protecting its properties. He further stated that he had no idea of the footage being referred to by counsel.

Upon its admission, the 2 minutes 19 seconds footage of the Governor's speech on ARISE News admitted as Exhibit F was played. The witness denied that the Governor stated that the LCC had a local security company. The witness also confirmed that as stated by the Governor, the LCC security cameras were on top of the towers located at 3 locations to wit: Toll Plaza 1 located around Oriental Hotel, Toll Plaza 2 (TP2 located around Chevron) and the Lekki-Ikoyi link Bridge. He also emphasized that those cameras were still at their locations, including the one where the footage tendered as Exhibit D was derived.

When asked about laser cameras, the witness refused to answer. He simply insisted that he had not mentioned anything about laser cameras during his evidence. The witness agreed that at the time of the declaration of the curfew, the LCC sent a memo to its entire staff including those who were at the Lekki (Sand Fill) toll plaza 1 to comply with the curfew. He further confirmed that as at the time the announcement was made by the Governor, those people (staff) were at the toll gate.

The witness further maintained that he had never seen a bullet before. Most especially, he insisted that he had not seen a picture of a bullet before as well. The witness confirmed that the LCC was insured by LASACO and Sunu Assurance, companies with offices in Lagos. he noted that he did not know the people who set the LCC Facilities on fire, as he was not at the scene of the incident on that day. He further noted that it was the company's internal decision to rely on the footage he tendered, for purposes of claiming insurance.



When shown bullets admitted as Exhibit A in the Nigerian Army matter, the witness insisted that he did not see objects such as that during the visit of the Panel to the scene of the incident. In addition, he denied knowing what a bullet was when shown pictures of it. Lastly, the witness noted that he would only be able to recognize a gun, depending on the type of gun in question.

Summary of the Cross-Examination of Mr. Abayomi Omomuwasan, Managing Director, Lekki Concessions Company by Mr. Olumide-Fushika, SAN.

The witness confirmed that the footage appeared to have been looking down, due to where it was placed. He also disagreed that the footage was unhelpful as evidence of what happened that day in the night, as to whether people were shooting and other things that were happening. However, he agreed that the camera could not assist in identifying people at the scene. He also explained that at the toll plaza 1, there was only one security camera which was installed and mounted high up, for the purposes of seeing traffic only. He also noted that the only cameras mounted at eye level, under the canopy were installed for purposes of identifying plate numbers only. He further confirmed that there had been incidences of people driving through the toll gate without wanting to pay toll fees. He however noted that all the camera does is capture the vehicle moving past and record the timing as well.

The witness maintained that because the LCC was a tolling company, all it needed its cameras for was to electronically capture vehicular traffic. In respect of the lighting arrangement of the Lekki toll gate, the witness explained that the LCC had some lights mounted high up on the streets around the area, some under the canopy and some at the outer areas. These lights were controlled from inside its office. The witness also explained that the LCC had different sources of power. The LCC had power generated from power outside its control, the company's generators and the UPS. Once power comes on from the source outside its control it comes on automatically. In the absence of power from the source outside its control, power is obtained from the generator, and it needs to be changed to the generator mode.

He further explained that the UPS is the interface between when the generator is turned on or the power outside its control goes off and when the company needs to change over, so that at any point in time there is no outage. When asked whether if switching off the floodlights within the perimeter on the street will also affect the lights in LCC, Mr. Omomuwasan explained that if the power was sourced from that which is outside the control of the LCC, all the lights will come on. However, where the light source outside its control is switched off and the company's generator comes on, the controls for the street lights need to be switched on for the lights on the street to come on. When the generator is in use, it powers all the lights.

The witness denied that the LCC deliberately switched off the lights at the Lekki toll gate. when asked if he would be surprised if a witness were to appear and states that there was no light in the surrounding area on the day of the incident, while there was light in some of the booths, the witness responded by stating that at any point in time, the booths and its equipment cannot go out of power. The UPS would last depending on the load on it. The witness also noted that it was not just the booths that had power, and that the light under the canopy was derived from the UPS. However, there was nobody inside the booths.

Mr. Omomuwasan stated that on the day of the incident, the LCC staff was only asked to comply with the curfew. He noted that the communication did not instruct anyone to leave the UPS on. He further noted that no one asked the staff to switch off the lights. He left the area in the afternoon. He does not know when the lights from the bill boards went off as he was not there. He informed the Panel that the advert company has its own electricity supply separate from the LCC's. That from the point where his company's staff left the premises, the generator went off. However, he did not know if there was a power outage as he was not there. He was not sure if the power to his company's facilities was sabotaged.

The witness stated that he was unsure if there was power outage from the public supply. He noted that the LCC has a generator and does not know how many people the IPP (independent Power Project) serves. He did not also know if there was a deliberate order to switch off the IPP. The witness does not have the details of whom the LCC pays for electricity services. Toll collection stopped between the 8th and 10th of October, 2020 at the Lekki toll gate during this #EndSARS protest. The witness stated that his office is located at the Toll Plaza 2, towards Chevron.

He added that during the period from the 8th to 20th of October, 2020 he did not go out or go to other locations from the point where he was allegedly blackmailed on social media, around the 11th of October, 2020 but he restricted his movement for security reasons. He agreed that prior to the day the curfew was imposed, his staffs were always at the Lekki toll gate and they gave him reports. It was on the day of the curfew that his staff was made to leave. He also noted that to the best of his knowledge, none of his staff was assaulted, as they were not allowed around the toll gate area. He stated that generally, the protesters did not assault people or come after his company's money. They only blocked roads and prevented his company from collecting toll. Before the fire incident that gutted the plaza, no attacks whatsoever were recorded. If there was, he would have reported to the Police. Although none of his staff were injured, he does not know if any injuries were recorded on other persons. He added that he does not have the capacity to determine what is peaceful or what is not.



After the event of 20th of October, 2020 he did not go to the scene of the incident again until the moment when he went to the scene alongside the Panel. He does not remember the date the Panel visited the toll gate. In addition, there was also no interaction between himself and the Governor before the visit to the scene of the incident. The witness stated that he had reports of an arson /fire outbreak at the Lekki toll gate. He confirmed that despite being the Managing Director, he did not visit the site until the Panel went there due to security reasons.

He noted further that the LCC had various private companies such as Rakumi, Zion Grace, and Panther that cleaned its facilities and none of these companies cleaned the facilities subsequent to the incident which occurred at the Lekki toll gate on the 20th of October 2020. He confirmed that he was not there to confirm if any cleaning crew cleaned the scene, although they could not go there without his prior instructions. He further noted that all its staff and contractors had been asked to stay away from the scene from the moment the scene became tense. He stated categorically that no cleaning contractors of the LCC went back there, this he knew because he was in contact with his staff. The staff also had the numbers of the managing directors of the cleaning companies.

The witness insisted that none of his cleaning contractors went to clean the scene. Further, that on the morning of the incident, his company did not bring a truck with street sweepers to clear the scene. He also noted that the cleaning companies the LCC contracted did not entirely use brooms. Sometimes, the cleaners used long brooms and at other times, they used mechanical sweepers. He maintained that if there was anyone who cleaned the place on that day, he knew nothing about it.

However, he acknowledged that he heard that the Governor went to the scene and stated that there was no blood to be seen anywhere. That he was not aware of any cleaning done or any report made of patches of blood by the cleaning staff despite the cleaning and that he would be unable to confirm from witnesses if they stated that people were shot and a lot of people got injured because it was not within his knowledge.

Mr. Omomuwasan confirmed that the #EndSARS incident was not the first time curfew would be declared. He further noted that during the corona virus curfew, the staff was asked to comply and they did. However, during the corona virus curfew, the facility was not left in darkness because both situations were not at par. He noted that his staff did not also have a rest area where they sleep as they do not sleep. He explained that where a staff is on night duty, he or she will be on duty throughout the night.

When the witness was asked how many times the LCC had left its facility in darkness since it started operation, before the corona virus and up until the 20th of October 2020, the witness answered that he was unaware of any catastrophic event and could not answer to it because both situations were not the same. The witness also refused to state his house address when asked on the ground that it was a personal issue and also because he felt insecure.

When asked whether he had been receiving reports in terms of how long it now took to commute through the toll plaza compared to when the LCC was operating, the witness noted that the situation had degenerated in terms of security, traffic congestion and blockage on the road. He also noted that the LCC had received numerous complaints in respect of these, and had to make a comeback.

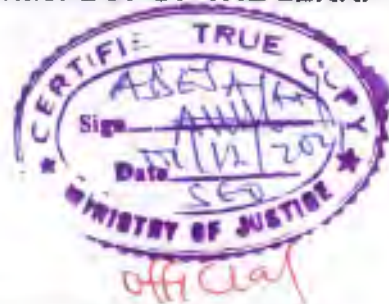
Summary of the Cross-Examination of Mr. Abayomi Omomuwasan, Managing Director, Lekki Concessions Company by Mr. Okeke of the Nigerian Bar Association.

The witness confirmed that he watched the feed from the cameras. However, he said he did not know when the light to the LCC's facility went off because the camera does not indicate when the light goes off. He confirmed that the cameras have time stamps. However, he could not know from the timing of the footage when the lights went off. The witness was unable to confirm when the lights went off as the recording went on until the weather became dark. He stated that he vacated his office around Chevron toll gate around 2pm when the curfew was declared. He also confirmed that up until the time the curfew was declared, he was still going to Chevron and he was never attacked.

Mr. Omomuwasan was reluctant to confirm that the protests were peaceful or not. He noted that the fact that he was not attacked did not mean that it was peaceful. He also emphasized that only the tolling cameras were removed from the toll gate on the 20th of October, 2020. He also stated that the LCC does not prosecute persons who fight at the toll gate.

On this note, the witness was discharged, while the Application for the release of the toll gate to the LCC for purposes of insurance claims by Mr. Rotimi Seriki, was not granted. It was however extended for another two (2) weeks to enable all parties have the opportunity of having expert witness which the Panel had already commissioned.

EVIDENCE OF REDDINGTON HOSPITAL IN RESPECT OF THE LEKKI-TOLL GATE INCIDENT OF 20TH OCTOBER, 2020.



Appearances:

The following appearances were entered in respect of the Summonses dated 15th December 2020 and October, 2021 respectively on the hospital:

- S. A. Oladipo with D. A. Adeoye for Reddington Hospital.
- Olukayode Enitan with Y. Olabode and J. Briggs for Lagos State Government.
- Adeshina Ogunlana with Ayo Ademiluyi, Esq. and Tayo Odusanya for #EndSARS protesters.
- Amanda Asagba, Esq. and A. C. Eze for the Nigerian Bar Association (NBA).
- Mr. Jonathan Ogunsanya appeared as Counsel to the Panel.
- Cyril Ejiofor with Emmanuel Eze for the Nigeria Police.
- Rabiat Fawehinmi-Morakinyo with O. A. Obilade for seven (7) victims of the Lekki toll gate incident.

Evidence of Reddington Hospital

The first witness gave his name as Mr. Ojekale Adebawale. He works at the Head Office of the Reddington Hospital located at No. 12, Idowu Martins Street, Lagos as the Hospital Administrator. He stated that by the virtue of his position, he is versed with the facts relating to the matter he is appearing for. He also informed the Panel that he has in his possession, a couple of documents comprising of medical reports in respect of patients who were brought into the hospital's facility for treatment on the night of the 20th of October, 2020 and others brought in till the 22nd October, 2020.

Exhibits:

- Medical Reports of twenty (20) patients presented at Reddington Hospital, Lekki; the medical reports of eight (8) patients at Reddington Hospital under the hand of Oluwatomi Joshua dated 20th October, 2020 to 12th November, 2020 were admitted together and marked as Exhibit A.
- Medical Reports of twenty (20) patients presented at Reddington Hospital, Lekki on 21st October, 2020 under the hand of Mr. Oleolo dated 25th October 2020 were admitted together and marked as Exhibit B.

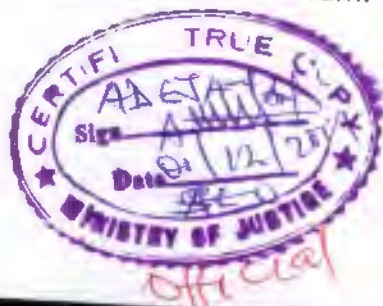
- Letter dated 1st January, 2021 from Reddington Hospital to the Chairperson, Judicial Panel of Inquiry and Restitution of Victims of SARS Related Abuses in RE: WITNESS SUMMONS was admitted and marked as Exhibit C.

Subsequent to the admission of the medical reports as Exhibits, Counsel to Reddington Hospital, Mr. Oladipo impressed upon the Panel, the need to ensure that the tendered medical reports are kept confidential, in compliance with the doctor-patient confidentiality and medical laws which prohibit the public presentation of patient medical report in a hospital.

Mr. Oladipo further noted that although he is aware that some parties may request for certified true copies of the reports, he applied that the Panel make an order that whoever applied and gets copies of the documents should respect that confidentiality. This was to prevent the documents from going viral on social media mediums. Further to his Application, the Panel ruled that although they were public documents, the documents were admitted as Exhibits A and B; thus, they were only for the exclusive use of any person(s) who procured certified true copies. Further, such person(s) are required to maintain the confidentiality of the Patient-Doctor relationship and the documents are not for use in the public domain.

Mr. Oladipo also informed the Panel that the Managing Consultant who attended to the patients was before the Panel. However, the Panel noted that Counsel involved in the matter were yet to be availed copies of the reports and would also require time to go through them. All Counsels present also agreed that there was a need for the Panel to adjourn the hearing to another date when the proper witnesses (medical practitioners who attended to the victims) will be before the Panel to answer questions.

At this point, one Dr. Babajide Lawson addressed the Panel on the propriety or otherwise of compelling the physical appearance of the physicians who personally authored the Reports, to appear before the Panel. Dr. Lawson explained that the usual practice in medicine is that when a patient(s) request for medical reports, the administrative personnel prepares the report. He noted that the medical reports were also authored well before the hospital received the Summons to appear before the Panel. Thus, it was not specifically written for the purpose of appearing before the Panel. Consequently, where there are questions pertaining to the treatment of the patient(s), the managing consultant(s) would be the person to answer such questions. For this purpose, he noted that the managing consultants who attended to the patients at Reddington Hospital were one Dr. Oluwatosin Opakunle and himself. On this premise, the matter was adjourned to 30th January, 2021 at 11am.



At the resumed Hearing of the matter on the 30th of January, 2021, the following Appearances were entered:

- Adeshina Ogunlana for the following #ENDSARS Protesters: Dabira Ayukeu, Samuel Isa, Kamsonchukwu Ibe, Nuicholas Okpe, Ukala Patrick Ayide, Joshua Samuel, Olalekan Faleye, Nathaniel Solomon, Nnatha Stanley Chimezie, Evelyn Augustine, Ajumobi Olajide, Damilola Adedayo, Yaqub Sadiq, Tunde Olanrewaju, Damilola Adeniyi and Ayoola Yusuf.
- John Uthman, with Chinedu Nwata for Mr. Lucky Philemon.
- A. Toba for Mr. Patrick Ochenna.
- A. C. Eze (Mr.) for the Nigerian Bar Association.
- D. A. Adeoye for Reddington Hospital
- Emmanuel Eze with Julio Hodonu for the Nigeria Police Force.

Evidence-in-Chief of Dr. Babajide Lawson on behalf Reddington Hospital.

The second witness began by stating that he is Dr. Babjide Lawson, and that he works with Reddington Hospital. He is the Trauma and Orthopedic Surgeon for the hospital. He also stated that he does not know the people he treated personally, but as patients. He further stated that a lot of the patients were presented at the Lekki branch of the hospital on the 20th, 21st and 22nd of October, 2020 respectively and because he is charge of the Trauma Unit, anyone involved in any form of traumatic injury like gun shots would have to go through him first. He further stated that he attended to a couple of the patients. The patients who needed to be admitted were admitted while those who required surgery were taken care of. In addition, most of the procedures were done there as well. However, some were transferred to the Victoria Island branch of the hospital where he is mainly located. The witness further testified that on the night of the 20th of October, 2020 went to the Lekki branch of the hospital to assess and determine if the branch required his assistance. Further, he spoke with the Managing Director of the branch after which he transferred patients from the Lekki to the Victoria Island branch. He was there until the 23rd of October, 2020. Dr. Lawson noted that he could not remember the names of the patients he treated. However, on the first night, he saw about six (6) patients. Other patients trickled in as the days went by. They all presented with varying degrees of injuries. He indicated that he was ready to clarify some of the medical reports, where same was necessary.

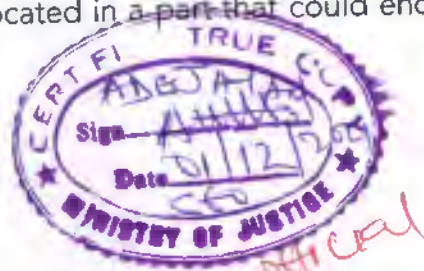
Cross-Examination of Dr. Lawson by Mr. Olumide-Fusika, SAN.

Mr. Olumide-Fusika began his cross-examination by thanking the hospital for the assistance it rendered to the victims on the day in question. He then requested for the witness to be shown the medical reports that were tendered as Exhibit A, B and

C respectively. After being shown the Exhibits, the witness was asked to identify and tell the Panel which of the medical reports he authored. To this, the witness responded by stating that he did not author any of the medical reports. However, he was familiar with them. He confirmed that it was the protocol of the hospital for files to be opened for all patients who presented and were accepted by the hospital. Mr. Olumide-Fusika then requested the witness to look through the medical reports and then confirm that there is no medical report in respect of one Mr. Samuel Ashola who is a Petitioner before the Panel and also his client. The witness confirmed that he could not find any such medical report. When further asked if he would agree that his presentation at the Panel was not exhaustive of the patients who were treated of gunshot wounds; because his client claimed that he was treated at the hospital and he also had pictorial evidence of his treatment. That on the night in question at the Lekki facility, when patients were being brought in, the situation at the time was similar to a situation called 'a mass casualty', as a lot of patients presented at the same time and consequently overwhelming the available facility he agreed that the medical report tendered was not exhaustive of all patients seen on the 20th October 2020. However, if the witness states that he was treated at the facility, he can get a medical report.

Mr. Olumide-Fusika again asked the witness to confirm that the medical reports he presented were not exhaustive, to which the witness confirmed same. When asked if there was a Dr. Muyiwa Olofin or Dr Tola at the Reddington Hospital, the witness responded by saying he did not know.

Again, the witness was asked to look at the medical report relating to one Nnaji Mabel and confirm that the medical report states that she was treated for a gunshot injury to the abdomen, the witness confirmed same. The witness further confirmed that Page two (2) of the medical report showed that tat a CT scan of the abdomen and pelvis of the victim showed probable gunshot pellets. When asked where the said Pellets were, the witness noted that as shown by the Report, the victim had no procedure done to extract it and then further confirmed that the said pellets were still in her body. The witness also indicated that although the medical report was authored by one Dr. Oluwatomi Joshua, he categorically emphasized that he saw the patient, examined, took responsibility for her treatment, reviewed her CT scan, discussed with the General Surgeon as well as the Radiologist in respect of the patient. Furthermore, he and other doctors/specialists held a mini conference in respect of the patient and that it was determined that an extraction was unnecessary. Consequently, she was kept overnight for observation and discharged the following morning. When further asked if it was normal for a person to have pellets in their body and go away with same, the witness responded in the affirmative. He further stated that there was no need to touch such bullet as long as it is not located in a part that could endanger



the body. He clarified that the bullets are not poisonous and that the body actually 'walls' it off.

In respect of the next victim, one Joshua Samuel, the witness confirmed that the said patient was also a victim of gunshot, and that the medical report did indicate that a foreign body, which is the bullet was extracted from the patient. When asked about the whereabouts of the bullets removed from the victim, the witness clarified that just a bullet was extracted and it would be with the Head Surgeon. The witness further clarified that the reason why he stated that he was the one in charge was because he is the Trauma and Orthopedic Surgeon. Further, that he picked this particular patient up himself because he had a gunshot injury. He brought him in, assessed him and discovered that the bullet was located in his chest close to vital organs. Further, that, the process required him to call in the cardiothoracic surgeon who then took lead. At this point, Mrs. Olumide Fusika SAN applied for an Order directing Reddington Hospital to present the bullets.

Mr. Olumide-Fusika SAN requested the witness to look at the Report involving one Bright Osarehemen, a case of gunshot injury. The witness confirmed that the case indeed, involved a gunshot injury. He however noted that due to the nature of the gunshot injury suffered by the patient, involving an 'entry and exit wound', there was no bullet to be extracted as the bullet would have already exited the body of the victim.

In respect of the Reports relating to one Ajoku Japhet and Lucky Philémon, respectively, the witness confirmed that the victims suffered gunshot injuries with both entry and exit wounds.

With respect to the next set of Reports marked as 'Exhibit B', the witness noted that those set of reports were in respect of victims who were treated at the Lekki branch of the hospital. Further, that his colleague who also treated the patients would also be coming to give evidence before the Panel.

Cross-Examination of Dr. Lawson by Mr. Ogunlana

The witness began by confirming that one Joshua Samuel, one of Mr. Adesina Ogunlana's clients was shot in the chest and that the victim had a surgery done, where a bullet was extracted. However, the Cardiothoracic surgeon who was the lead surgeon in the instant case was in the best position to state where the bullet is kept. The witness went on to explain that the only role he played was to assess and examine the patient. His examination revealed that the bullet was close to vital organs around the heart. As such, a more specialized surgeon was needed to operate on the victim. It was during the surgery that the bullet was taken out. Consequently, the Surgeon was in the best position to talk about its whereabouts.

When asked why the hospital refused to release the bullet extracted from the body of the victim to him despite repeated demands, the witness noted that although the bullet was not the property of the hospital, the hospital's protocol however was that in the case of a gunshot injury, which needed to be extracted, the Police usually have to be called in and same would be handed over to them. In the instant case however, he was not in a position to explain the whereabouts of the bullet after its extraction. When further asked if that particular bullet as well as others that were extracted by the hospital were handed over to the Police, Army or Lagos State Government, the witness stated that for the patients he operated upon, he did not extract any bullet(s). He further stressed that he could not speak on the bullets extracted by other doctors. The witness denied that the medical Report was carefully written in order to protect the hospital's interests. Rather, all the Reports were written with the purpose of disseminating sufficient information. The witness was further referred to the first paragraph of the medical Report which read; "A 22yr old patient who sustained a gunshot injury to the left posterior chest wall on the 20th of October, 2020 during the Lekki shoot-out around 8pm." He noted that what was written in the medical report was the information given by the Victim. He did not know what a shoot-out was. When Mr. Adesina Ogunlana referred him to the Report of one Damilola Adedayo, the witness restated the fact that he could not speak on it. The person who could speak on it was one Dr. Opakunle.

Cross -Examination of Dr. Lawson by Mr. Uthman, on behalf of Lucky Philemon (Victim).

Mr. Uthman began by asking the witness if it was the practice of his hospital to issue two (2) medical Reports in respect of a particular patient, the witness responded by stating that this may be possible for different reasons. He added that where a patient complains of insufficient information, another Report might be issued. In respect of the instant case, the witness however indicated that he was not aware of the circumstances of the same. Mr. Uthman further informed the witness that two (2) medical reports were issued in respect of Mr. Lucky Philemon (the first dated 31st December, 2020 and another dated 16th November, 2020 which was issued at the point of discharge) and then asked the witness if he had record of the reports. The witness responded by stating that the subsequent report takes precedence over the prior one. The witness was asked to look at the report and confirm if he signed same, which he did in the affirmative. The said Report was therefore admitted and marked 'Exhibit D'. The witness further confirmed that the report of the report of 31st December, 2020 takes precedence over the report of 16th November, 2020. He went ahead to further explain that when the victim was discharged, he was issued a medical report to enable him travel back to Kaduna for medical treatment. In the same vein, the report dated 31st December, 2020 was issued at the behest of the Panel when it



requested the facility to forward all medical reports of patients that were seen by the hospital. However, if the initial report was not seen by the hospital, then another one would have been issued. Irrespective of that however, both reports captured the essence of the injuries suffered by the victim (gunshot) which required him to have an amputation done. He emphasized that the dates of admission and discharge did not vary and consequently, the Panel could rely on both.

The witness went on to explain that a cardiothoracic surgeon is a person who operates on the heart, lungs, blood vessels and so on. Further, that the victim was examined by an orthopedic surgeon. When asked to identify the portion of the report which shows that the victim was examined by an orthopedic surgeon, the witness responded by stating that the fact was implicit in the report. He went further to explain that as the issuing doctor, it is assumed that he covered his basis, and that if he had needed to consult another specialist, he would have been required to document that he did. Otherwise, he would not have had the authority to write the report. The witness confirmed that he is an orthopedic surgeon, and also that the report of Mr. Lucky Philemon did not reflect that the injury suffered by the victim was an entry and exit wound. He emphasized that he saw, cared for, examined and counseled the victim before he went in for the procedure and until he was discharged. He stated that he performed the surgeries on the victim and based on these, he is fairly certain of the things he said. At this point, two letters from Alphacentric Partners, Legal Practitioners dated 30th November, 2020 and 10th December, 2020 respectively were admitted and marked 'Exhibit E.'

The witness noted that there was no bullet removed from the body of the victim, no Police Report obtained and neither did the victim pay for the hospital bills. He was treated free of charge. When asked for the difference between a dying left leg and a left leg Gangrene, the witness stated that both were the same. He also explained that disarticulation and amputation were the same and the term 'amputation' could cover for both. However, while amputation involves taking a part of the body off while cutting through bone, disarticulation simply involves removing a part of the body at the level of the joint. In the case of Lucky Philemon, amputation was carried out on him. Lastly, he confirmed that prior to and after the surgery, the victim was advised and a recommendation was given for the need of a prosthetic leg.

The matter was consequently adjourned to the 12th of February, 2021 to enable Counsel to the Lagos State Government cross-examine Witness Number two (2) from Reddington Hospital.

However, on the 13th of March, 2021 Mr. Uthman was granted leave to re-evaluate the witness (Dr. Lawson) in view of the new documents presented before the Panel.

The cross examination commenced with the witness reiterating that the time in which Mr. Philemon presented at the hospital was not taken or noted as the situation was a mass casualty and the priority was to save lives. It is not usually stated when a patient comes in, the issue of time would be a misplaced priority, where there are several patients presenting with injuries. The Doctor's aim was to triage the patient. He emphatically stated that there was no way to medically determine the time a patient who presented was shot. When further asked if it was preferable for the doctors to rely on whatever they were told by the patients, the witness explained that there were three (3) phases of patient engagement. The first (1st) he noted is when a patient categorically states what happened to him. The second (2nd) is when the information provided by the patient is assessed while the third (3rd) part involved investigating the sum total of information obtained in A and B to determine the extent of the patient's injury.

The witness confirmed that he assessed the case of Mr. Lucky Philemon and established that he was a victim of gunshot injury. The witness also confirmed that the results, including the date and time of all tests and x-rays carried out on Mr. Philemon were all included in the case notes that were tendered. He further confirmed that a crepe bandage was wrapped on the patient's leg. He concurred that the case notes presented also exhibited the list of doctor's, their daily endorsements as well as the date the patient was discharged.

He clarified that depending on the purpose, the medical report tendered was a relevant summary of the patient. He noted that regardless of purpose, the date of discharge ought to be stated on the medical report.

When showed the medical report of the patient dated 20th October, 2020 (which was forwarded to the Panel), and asked if he would be surprised to know that the patient was still at the hospital after that day, the witness indicated that he would not be surprised. He explained that Mr. Philemon was a patient who resided in Kaduna with his family. He noted that when the witness presented, part of the information provided was that they had issues with returning to Kaduna. As a result, they exchanged phone numbers. He further explained that it was possible for patients to be discharged on a day before they were to leave in order to avoid them incurring further bills. Secondly, if a patient indicated that he was not ready to leave, the hospital would continue to accommodate him. He further explained that in the instant situation where it was documented that the patient had been discharged, it only meant that the medical personnel had no obligation to check on him. At that point, his care had ended and he could proceed to out-patient care. However, he could still be within the facility.



When asked if a patient who had been discharged could remain in the hospital bed or put in another facility, the witness indicated that the answer would be dictated on a case-by-case basis. He reiterated that in the instant case, the patient's family members were not based in Lagos. Further that because they had intimated him of their difficulty in returning to Kaduna, he gave them permission to stay at the facility until they were ready to leave.

When asked to examine the case note for Mr. Philemon and tell the Panel where the result of the x-ray, CT angiogram and the PCV test results were, the witness informed the Panel that the result was at page 17 (case notes), while the result of the C.T. angio was also there. The witness further informed the Panel that he knew that patients could ask for medical records. He confirmed that the copy of the PCV test result before the Panel as the one dated 29th October, 2020. He stated that the Patient had another PCV test carried out on him on the 20th of October, 2020 when he was presented at the facility. The witness subsequently identified the two documents which were dated the 21st of October, 2020 at 1:18am and another dated 20th October, 2020 at 21:29pm.

The witness informed the Panel that according to the report before the Panel, the Patient was at the Lekki Toll-Gate as at 9:31pm on the 20th of October, 2020. He stated that if shown his hospital's manner of presenting x-ray records, he would be able to confirm its correctness. He also confirmed that the patient's x-rays are stored on the system. Upon demand by the patient, they are either printed out or burnt on a compact disc (CD). When asked if he would be able to identify a CD from Reddington, the patient indicated that it usually carried the hospital and patient's name. When shown the x-ray result, the witness indicated that there was no doubt that the x-ray emanated from the facility. He noted that the result he was shown had "lower limb angio of Lucky Philemon" written on it. The compact disc marked 'Philemon Lucky lower limb' x-ray and flash drive were admitted together and marked Exhibit G. Reddington Hospital X-rays of Lucky Philemon were admitted together and marked Exhibit H. The media file was played at the Panel. When the witness was asked to confirm that the x-ray of the patient being played it showed the time of the first image being shown to the Panel showed the time as 9:31pm of October 20, 2020 the witness indicated that he was unsure because it did not show the patient's name on it. However, the print-out would carry that information.

Dr. Lawson confirmed that he treated a patient named Mabel Nnaji at Victoria Island. However when Mr. Uthman requested that the witness be shown the medical report of Mabel Nnaji, the Panel indicated that the medical record requested for had no connection to that of his client (Lucky Philemon).

When Mr. Uthman requested that the witness confirm the time he treated both Mr Lucky Philemon and Ms Mabel Nnaji, the witness reiterated that the situation was a mass casualty. As such, standard operating protocols were jettisoned. He emphasized again that the priority was to save lives. When also asked to also clarify how he treated both Lucky Philemon and Mabel Nnaji, the witness reiterated that patient presented at Lekki were triaged and then transferred to their Victoria Island branch. He noted that he went to the Lekki branch of the hospital to assist, assess and took another patient with him back to Victoria Island branch of the hospital. Consequently, it would also be accurate to find that a report documenting that patients were . When also asked if it would be correct to state that Lucky Philemon had been treated long before Mabel Nnaji was treated or if it were possible that Lucky Philemon was seen before 9pm, the witness informed the Panel that he could not tell because he was not the only one at the hospital.

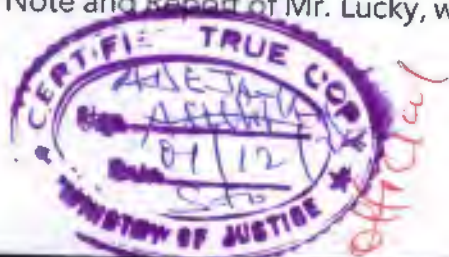
Dr. Lawson went on to inform the Panel that the length of time it takes to prepare a patient for x-ray was determinable only on a case-by-case basis. He explained that the severity of the case would determine which patient would be bumped ahead of others. He indicated that an x-ray and CT angiogram could not be done simultaneously. There was a sequence in which they could be done. In Philemon's case, the x-ray was done before the C.T. angiogram.

Cross -Examination of Dr. Lawson by Mr. Olukayode Enitan, SAN, on behalf of Lagos State Government.

Prior to the cross-examination on the next adjourned date, Dr. Babajide Lawson clarified that the incident of 20th October, 2020 created the scenario which he likened to that of 'mass casualty'. He explained that the priority was to save lives and separate the critically injured from the walking wounded, as such, it was probable that some patient's would have had their notes documented on the clinical sheet. Consequently, the records of some patients might not be traceable.

Under cross-examination, the witness confirmed that several individuals with varying degrees of injuries (some with clinical notes which had been tendered and others with case notes) were treated from 20th and 23rd of October, 2020. The witness then went on to identify the bundle of seventeen (17) clinical and eight (8) case notes of patients who were treated at Reddington Hospital between 20th of October, 2020 and 23rd of October, 2020. In the absence of any objection, they were admitted and marked together as Exhibit F.

Mr. Enitan recalling the note relating to Mr. Lucky Philemon (referred to as Exhibit F1) asked the witness to confirm that it was the Case Note and Report of Mr. Lucky, which



the witness answered in the affirmative. The witness confirmed that the case note was divided into two (2) parts: The information given by the patient or his relative where the patient is unconscious and the part in respect of the tests taken by the medical team in addition to the treatment given or done on the patient. He also confirmed usually, the cover page, known as the data form contained information supplied by the patient under reference. He explained that in some other instances, the information might be supplied by a relative where it was an emergency.

Referring to the second (2nd) page of the clinical note, the witness stated that the time of 11.30pm stated there, was indicative of the time of documentation and not the time the patient was presented. He went on to explain that the note beside the time which stated: "he was brought it in with the inability to use the left lower limb ex 30mins." meant that it was the perceived duration in which the victim had been unable to use his left lower limb. He noted that the victim was probably brought in thirty (30) minutes prior to presentation. The witness indicated that in the instant case, the patient (victim) supplied the information. He reiterated that the patient (victim) supplied all information in respect of himself personally and the treatment of the patient commenced thereafter.

The witness informed the Panel that as an orthopedic surgeon that deals with trauma, the range of injuries that he deals with is gunshot injuries. As such, there is an aspect of the training that is essential to understanding the nature of the injuries and how to treat patients with such injuries. When asked if he knew the available gun capacities, the witness explained that the nature of the injury helped them classify the injury as either low or high level; usually in correlation with certain types of firearms which could be low, medium or high energy. In response to whether high energy meant high velocity, the witness explained that the term 'velocity' was used in the past but it had been modified. He further explained that where the velocity was high, then the firearm was high energy. However, velocity alone did not qualify a firearm, which was why the terminology had been discarded or modified.

Dr. Lawson confirmed that he knew the difference between low, medium and high energy injuries and also agreed that it could be said that the three (3) types of injuries are usually caused by different firearms. That a person shot with a double barreled shot-gun was an approximation between medium to high energy. He informed the Panel that as a doctor, he did not know what a craft arm was. The witness was then asked the energy level he would categorize a military grade gun, the witness did not eventually answer the question due to Mr. Fusika's objection.

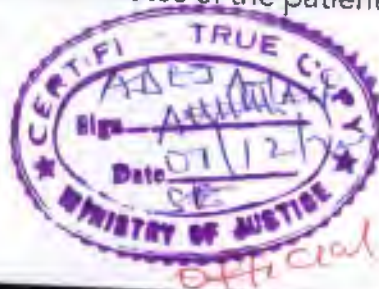
The witness stated that the first information of what ails the patient is based on information supplied by them. He also confirmed that the examination of a patient could either corroborate or vary the account given by such patient. He agreed that

even where the examination of the patient corroborates his account, the doctor would not be privy to how such injury was obtained other than the account of the patient. Dr. Lawson confirmed that there was a protocol with respect to how gunshot injuries were treated. He explained that clinically, the part of the body where the gunshot injury is located would determine the next line of action. That, certain areas would take precedence over others. For example, a patient with a gunshot injury to the head would have priority over another with a gunshot injury to the arm. He emphasized that the priority would be to save life before a report is made to law enforcement. Where possible, the bullet would be extracted and handed over to the Police. He concurred that where the bullet could not be extracted, it is left in the body as long as it is not life-threatening. He noted that one of the characteristics of most high energy gunshot injuries was that they usually had an entry and exit wound. When asked if it was characteristic for a low energy gunshot to remain in the body where it was shot in a fleshy part, the witness noted that the level of energy and other factors usually influenced whether the bullet would exit or not. He explained that where a medium energy weapon was shot at pointblank range, it would kill the individual. He also confirmed that he was familiar with forensic science as it relates to medicine.

The witness informed the Panel that it was part of forensics to preserve x-rays and bullets which are extracted as the priority was to save lives; every other thing was secondary. In respect of clothing, the witness noted that the preservation of the clothing worn by the patient at the point of injury, may be impossible as the cloth (es) is sometimes cut in order to get to the injury. Other times, they are discarded. Further, the mechanism of cutting the cloth is not pre-determined as it largely depended on the patient's injury.

The witness informed the Panel that in Mr. Philemon's case was a life-threatening situation because of the nature of his injury. When asked which day the wounds of the patients who presented with gunshot injuries upon examination would be fully closed, the witness answered that the question would have to be taken on a case by case basis. However, with respect to Mr. Philemon, although he had an emergency surgery done, the wound was only partially closed while the rest was allowed to egress. He emphasized that it was a gunshot injury and he had subsequent surgeries and his care was based on what was determined at each stage.

The witness confirmed that with respect to all the patients, none of the materials they presented with was preserved with a view to further examination due to the situation of mass casualty in which the patients needed to be stabilized. However, some patients the clinical assessments such as x-rays were documented. He noted that the clinical evidence was what the hospital had for the procedure. When asked if the patients who had gunshot injuries had x-rays, the witness noted that some of the patients were referred to other facilities while the case notes of the patients who were



attended to by the hospital had x-rays and further imagining. The matter was adjourned at this point.

At the resumed Hearing date, Mr. Enitan continued his cross-examination of the witness with respect to the treatment of Mabel Nnaji. The witness began by confirming that the lady suffered a gunshot injury, was discharged and had some pellets which were still lodged in her body. He informed the Panel that the gunshot injury the patient suffered could be categorized under medium energy. He indicated that he could not categorically state that the weapon was not a law enforcement grade one. When asked if he was trying to state that law enforcement agents carried guns that used pellets, the witness explained that when a gunshot occurs, there can be residual entity, especially since the entity was not extracted in the instant case. He further explained that if a patient indicated that he was shot and small metallic objects not entirely the size of a bullet are found, they are referred to as pellets. He clarified that it however did not necessarily mean that it was a pellet that was discharged as the range of some gunshot injuries, for example, a shotgun which impacts with a lot of pellets. He further explained that a shotgun falls in the medium-high energy category and it was possible to end up having pellets. As such, it would be difficult to categorically tell the type of weapon used if the gun that discharged the ammunition were not seen.

The witness went on to confirm that the patient (Mabel Nnaji) still had the pellet in her abdomen till date. He explained that from the imaging done and clinical tests, there was nothing to suggest she was in danger. Further, that for such individuals all the hospital would do is observe and follow up.

When asked to describe the kind of injury that the entry of a bullet inflicts on the point of penetration, the witness explained that the entry point was almost always smaller than the exit point. He further explained that because a bullet moves faster than the wind, there is a rippling effect in the air. Once it got into the tissue, the rippling effect is reproduced within the tissue. He noted that depending on the energy, it would give a radius within which the damage could occur. This energy is what the bullet maintains as it exits the tissue; which is why the exit point is usually larger than the entry point.

He agreed that Mabel Nnaji did not have an exit wound. He also indicated that the type of treatment to be administered to the patient would depend on the finding at the time of presentation as well as the location of the injury, patients' condition and if the patient has been determined not to be in danger. In such scenario, the treatment protocol would be wound care, prescription of antibiotics and pain medication. It would be unlikely for a patient who was in danger and presented bleeding to be given wound care and discharged.

The witness confirmed that one Amako Francis also presented on 21st October, 2020 with a knife stab wound or a wound from a sharp object, as opposed to a gunshot injury. He also confirmed that the patient was not treated after the 21st of October, 2020.

The witness also confirmed that a patient named Bright Osarehemen presented on the 22nd of October, 2020 with a gunshot injury of six (6) hours duration after the incident. He explained that the patient was injured on the day of presentation. He indicated that it was unlikely that the instant patient could have been a victim of the incident which occurred at the Lekki toll gate on the 20th of October, 2020.

In respect to one Joshua Samuel, the witness also confirmed that the patient had the removal of a foreign body (i.e. bullet) from the body. He noted that the surgery was not done by him and confirmed that indeed, there were several complaints of bodily injuries like cuts and bruises which were allegedly sustained from the Lekki Toll Gate. From the Reddington Medical report, there were several people that presented on the 21st with all manner of complaints of body injuries like cuts and bruises/injuries which most of them alleged were sustained at Lekki Toll Gate. He stated that that it was not possible to confirm where the injuries occurred at the time. He also stated that some of the patients who presented only required basic dressing of their wounds. Moving on to the Report of Ajoku Japhet, the witness confirmed that the patient presented with a gunshot injury on the 22nd of October, 2020 and claimed to have been shot at Ajah, not Lekki Toll Gate. In respect of the Report of Edward Matthew, the witness noted that his Report was issued on the 30th of October, 2020. He confirmed that the patient had presented at the hospital at about 8.30pm on the 19th of October, 2020 before the incident at Lekki occurred.

Dr. Babajide confirmed that there was a standard operation procedure in relation to gunshot injuries generally. He explained that the procedure would be dependent on the nature of the injury vis-a-vis, the part of the body that was injured, time of presentation as well as the status to wit: emergency, urgent or stable. He further explained that assuming it was an emergency and the injury was located in the extremity, the immediate step to be taken was to assess the stability of the patient, get imaging and cleanse the wound. After the necessities had been done, law enforcement agents, usually the Police would be informed.

For patients who presented at the hospital during the incident, no follow-up was done in respect to informing the Police. He confirmed that several people presented throughout the 21st of October, 2020 claiming one form of injury or another. He also confirmed that most of such patients did not require major surgeries and that he (and the facility) ensured that those that presented with life threatening conditions were not only stabilized, they were also treated as though they were fee paying patients of the hospital. He further confirmed that all patients that presented were taken in.



Where there was a shortage of bed spaces at the emergency room but the condition of the patient was not severe enough to warrant a transfer, some of the patients were referred to other facilities. He emphasized that the goal was to ensure that the patients were referred to the general or private hospitals in cases where his facility could not care for them.

When asked to give a window within which a patient who had suffered a high energy gunshot injury had to receive care; and where such care was not provided, could lead to a fatality, the witness explained that Medicine was not an exact science as a young person who had a gunshot injury to the leg may not die from blood loss but an infection. In another instance, a diabetic 20 year old man could die within two days. He informed the Panel that an individual who suffered a high energy gunshot wound should receive medical attention within twenty-four (24) hours in order to prevent him from dying from loss of blood.

The witness indicated that he was told that the Governor of Lagos State visited the Lekki branch of the hospital on the night of the 20th of October, 2020. When asked if the Governor also visited the Victoria Island branch of the hospital, the witness indicated that he did not see him. When asked if the hospital made any commitment as to what the hospital would do with whoever comes in, the witness explained that around 7 or 8pm on the 20th October 2020, a call was placed to medical personnel to make themselves available as they would be required to help out. He noted that the instruction was that no patient should be turned down. He confirmed that the Governor was at the hospital on the night of the incident. Specifically, he noted that the Governor was there very late, at about midnight. He emphasized that he did not know if he informed the hospital staff that the State was interested in ensuring that people got the best treatment the hospital could provide as he did not see him.

At this point, the witness was discharged from the further hearing in respect of the investigation into the Lekki incident the occurred on the 20th of October, 2020 as it affects Reddington Hospital.

Withdrawal of Legal Representation on Behalf of the Nigerian Army by Mr. A.T. Kehinde, SAN.

During the proceedings, Mr. S.N. Agweh, SAN informed the Panel that his presence was not for the purposes of representing the Panel. Rather, he was there to deliver a message on behalf of Mr. Kehinde Akinlolu, SAN. He further informed the Panel that prior to his appearance, Mr. Kehinde Akinlolu had written a letter dated 20th January, 2021 to the Panel, in which he explained that the team of legal practitioners who represented the Nigerian Army based on the Summons issued on the Army on the 28th of October, 2020 at the Panel has been disbanded by the Nigerian Army, subsequent to the proceedings of 21st November, 2020. Consequently, they had no

further mandate to represent the Army in subsequent proceedings. He indicated that Mr. Akinlolu, SAN thought it necessary to ask him to appear before the Panel in order to debunk the false news circulating in the media that the Nigerian Army had refused to show up. In response, the Chairperson appreciated Mr. Agweh's presence while also acknowledging the letter written by Mr. A.T. Kehinde, SAN. She however noted that the reportage in the media were incorrect and did not represent the Ruling of the Panel. She further noted that having served so many Summonses on the Nigerian Army and they were always absent, the Panel felt that as Counsel on record, he would be in a position to assist the Panel in order to at least let the Panel know why the Nigerian Army was not appearing in the matter.

Mr. Fusika however noted that whilst the Panel could not compel any lawyer to represent a party, the case against the Nigerian Army has not been concluded. Mr. Ogunlana also opposed the notion that the Panel was helpless if the Nigerian Army decided that it would no longer appear. To this, the Chairperson categorically stated that where a party refuses to appear before the Panel and present his case, it is deemed that the party has abandoned his case and the Panel's Rules on in respect of uncontested matters will be invoked by the Panel. Further, the Panel's position was stated clearly in its Ruling. On this note, Mr. Agweh sought the Panel's permission to take his leave, and same was granted.

On the next adjourned date, 27th February, 2021 the Chairperson informed the parties present in the case of the Summons issued on the Nigerian Army that the Panel will go on to hear the matter irrespective of the presence of the Army and or its representatives. However, the matter was subsequently adjourned to a later date that was to be communicated to Counsel and Parties because the evidence of Reddington Hospital had not been concluded and vital documents from the hospital's records were yet to be admitted in evidence.

SUMMONS ISSUED ON LOATSAD PROMEDIA LIMITED

Appearances Entered:

Mr. Jonathan Ogunsanya, Counsel to the Panel.

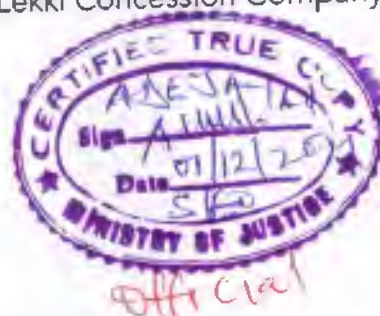
Mr. A. J. Owonikoko, SAN with Olukayode Enitan, SAN, Jerry Briggs and Y. Olabode for Lagos State Government.

Mr. Adeshina Ogunlana with Mr. Ayo Ademiluyi for named #endSARS protesters.

Mr. J. I. Eboseremen with Emmanuel Eze for the Nigeria Police Force.

Mr. O. C. Olagunju with Mr. O. Obilade, holding the brief of Mr. Olumide- Fusika, SAN for named #EndSARS protesters.

Mr. Rotimi Seriki with Mr. Akin Elegbede for Lekki Concession Company Limited.



The representative of Loatsad Promedia Limited is sworn on the Holy Bible and states that he speaks English language. **EVIDENCE-IN-CHIEF OF MR. ABIMBOLA ENIOLA ON BEHALF OF LOATSAD PROMEDIA LIMITED.**

The witness began giving his evidence by informing the Panel that his name was Abimbola Eniola, Company Secretary to Loatsad Promedia Limited ('The Company') which is located at Plot 7, Block 52A, Omorinre Johnson Street, Lekki Phase 1, Lagos. He stated that he was before the Panel due to the Summons that was served on the Company and went ahead to identify same. In the absence of objections, the Summons to the Chief Executive Officer of Loatsad Promedia was tendered and admitted as Exhibit A. He was before the Panel to give the company's position in respect of the incident which occurred on the 20th of October, 2020.

He testified that on the 20th of October, 2020 the Lagos State Government declared a curfew. He noted that staff of the company had been working from home since the pandemic began in March, 2020. However, the Operations team had been going about their business, which involved going to the company's sites across Lagos State to upload contents and monitor the situation of things generally. He informed the Panel that the head of the human resources department circulated the broadcast of Mr. Governor to the company's group chat and directed the Operations team to shut down the billboards no later than 3pm on that day in order to enable staff of the Operations team return to their homes before 4pm when the curfew would become enforceable. He stated that the billboard at the Lekki Admiralty toll plaza was turned off at 3pm and the man in charge of the generator left.

The witness explained that the company was into the business of outdoor advertising, activation, both above and below the line advertising (depending on the site). He noted that although the company was registered in October 2013, operations did not commence until 2014. However, as far as the toll gate was concerned, the company only does outdoor advertising; which was the essence of having the bill board. He informed the Panel that he did not have to leave at 3pm or visit the site on that day (20th Of October 2020) as directed because he had been working from home. He noted that panels belonging to the company were vandalized while cables and batteries were stolen; although he was not sure when that happened. The company was not even aware of this fact until the toll-gate was re-opened.

Cross- Examination of Mr. Abimbola Eniola by Mr. Seriki on Behalf of Lekki Concession Company (LCC).

The witness began by confirming that the Human Resources Department gave the directive for the bill boards which the company operate in Lagos to be shut down. He also informed that apart from the Lekki toll gate, the company had bill boards around Falomo, Isolo, Surulere, and at the roundabout at Alexander, Ikoyi. He also

confirmed that the bill boards around those locations were also shut down at about 3pm of the 20th of October, 2020 as well.

When asked if the shutting down of the bill boards was pursuant to the directive of the government, the witness confirmed same. He also confirmed that 20th October, 2020 was not the first time the company's bill boards would go off. He noted that for the most part in March, April and May, the boards were completely switched off across Nigeria due to the Covid-19 pandemic. He explained that the essence of the boards was for viewership. However, there was no point turning on the generators which powered the boards if there was no one to view them on the streets. He then stated that upon resumption, the boards only ran for twelve (12) hours. However, since the Covid-19 pandemic, the number of hours for running the boards depended on the arrangement with the clients.

Mr. Abimbola Eniola went on to explain that the main source of power for the bill board at the Lekki toll-gate, Public power supply "Power Holding Company" and the generator was the back-up source. He informed the Panel that Loatsad never used the LCC's generator. The company generator used to operate the bill board is operated by a staff of the company and there was no way the boards would be switched on when the staff had been asked to go home. The witness confirmed that the staff had to visit the site in order to upload contents. He explained that the billboards worked in such a way that they had to be fed with video contents or pictures. Further, that the LED's could be uploaded either remotely or by physically visiting the sites to upload the flash drives. However, since the technical team didn't have access to the office, the technical staff had to visit the sites directly to upload the contents from USBs. He agreed that the technical staff were not permanently stationed at the Lekki Toll-Gate, they only went to the sites when they needed to upload content. He stated that apart from the operator of the generator, the company had no other physical staff at the Lekki Toll-Gate.

He stated that no other staff had anything to do with the bill board around that time, as they were all working from home. If they were not working from home, they would be in their office at Omorinre Johnson, Lekki Phase 1, Lagos. He confirmed that the company issued a press statement on why the staff had to leave. He noted that although he had a draft copy of said press statement, which was issued, he could not obtain a screenshot of that which was posted online. When Mr. Seriki sought to tender a copy of the press statement, all Counsel with the exception of Mr. Ogunlana did not object to its admissibility. Mr. Ogunlana's objection was premised on the fact that the document was neither signed nor presented on the company's letter head.

The Panel however admitted the Press Statement as Exhibit B on the grounds that the rules of admissibility were not strictly applied as the Panel was a fact-finding body charged with the duty of conducting an investigation. Most importantly, the Panel



was interested in any document or material which would assist it in getting to the truth of the matter.

The witness went on to confirm that he was aware that protesters had been at the toll gate prior to 20th October, 2020. He explained that his company cooperated with the protesters by uploading contents prepared by the protesters on its bill board at a discounted rate or even outrightly, free of charge. The company also supported the protesters by assisting the disc jockey (DJ) to power his equipment with the company's generator. However, because the cable could not get to the generator house, the Protesters had to use their own generator.

The witness confirmed that pilfering of the company's equipment continued even after the 20th of October, 2020. Further, that the company lodged a complaint with the Maroko Police Division and this led to the apprehension of some culprits. He also confirmed that the Police subsequently issued a Police Report to the Company. When Mr. Seriki sought to tender the said Police Report, no Counsel raised any objection except Mr. Olagunju, who objected on the premise that the document was irrelevant for the purposes for which the Panel was set up, as the alleged thefts occurred in December, 2020, while the Lekki incident occurred on 20th October, 2020, therefore, they were outside the Terms of Reference of the Panel. Responding to the objection, Mr. Seriki stated that the witness had testified to the pilfering of the company's properties, and the fact that access to the company's office was restricted and was not granted until December 2020. Consequently, the document ought to be admitted.

In a considered Ruling, the Panel held that because the report of the theft of the company's properties was not made until the 13th of December, 2020 it brought it outside the period of investigation. Consequently, the said document was not relevant and was rejected. The document was rejected and marked Exhibit Rejected 1.

Lastly, the witness informed the Panel that the company did not take instructions from the LCC while carrying out its operations at the location of the billboard at the Toll-Gate. In addition, the LCC did not also interfere in the company's activities in any way Cross-Examination of Mr. Abimbola Eniola by Mr. Owonikoko, SAN on behalf of Lagos State Government.

The witness reiterated that the name of the company which he represents is Loatsad Promomedia, a private enterprise. He confirmed that the company's installation at the toll gate is the signage on top of the toll. He explained that said installation was an LED two (2) faced bill board belonging to the company, and not the LCC. He further explained that the company had a rental contract with the LCC for it to install on the facility of the Lekki toll-gate, as such, the company usually paid rent to the LCC for the use of the toll plaza for the installation.

He noted that the only relationship the company had with the Lagos State Government was that the company paid advertising fees to the Lagos State Signage and Advertisement Agency (LASAA) and taxes to the Lagos State Internal Revenue Service (LIRS). The witness also confirmed that as a company bound by LASAA, it was bound to comply with its regulations. Further, that the Lagos State Government declared a curfew all over Lagos State on 20th October 2020. When referred to Exhibit C as admitted during the testimony of the Head of Service, the witness noted that it was the first time he was seeing the document and that he was only aware that the curfew began at 4pm and not by 9pm.

He conceded that because the company was only aware that the curfew was to begin at 4pm, the company asked its staff to leave by 3pm, in order to enable them get home before 4pm. He noted that he was unaware that some people were exempted from the curfew. Further, that the company was not exempted because they were not an essential service provider and they are into advertising. The witness confirmed that he was aware of the rule of target audience in advertising. He explained that the rule meant that advertisement must target or attract the attention of people who will patronize the advertised product(s). He agreed that some of their clients had products for young people, including the peaceful protesters. The witness also agreed that even in the event that there was no curfew on the 20th of October, 2020 the company would naturally have engaged the multitude of young Nigerians who were engaged in the peaceful protest for good governance at the Toll-Gate in order to ensure that the advertised products reached them. The company supported the protesters as its own target audience and also has no animosity towards them.

The witness also agreed that if it were convenient, there would be no reason not to reach out to the protesters as they were their target audience. He confirmed that due to the curfew which was to commence at 4pm, there was no one to turn on the generator and also no one to advertise to at the Toll-Gate. He concurred with the fact that to keep the LED installation working, the company would have required personnel on ground; thereby violating the curfew. He also agreed that by asking its staff to leave by 3pm, the company expected that the State would protect its properties. The company did not expect that its installations and properties would be vandalized. Lastly, he reiterated the company's installations were not protected and that he was not in a position to tell the Panel what happened or if there was shooting or not after its staff had vacated the premises of the toll-gate at 3pm on the 20th October 2020.

Cross-Examination of Mr. Abimbola Eniola by Mr. Adesina Ogunlana

At the resumed hearing, Mr. Ogunlana asked the witness to repeat his name to the Panel. The witness stated his name as Abimbola Eniola. He is a Yoruba man from Ondo State and he had been in the employment of the Company as the Company



Secretary since its inception. He was called to the Nigerian Bar in 2012. He confirmed that he gave evidence in respect of what led to the switching off of the billboard on the 20th of October, 2020 before the Panel. When asked to confirm that the evidence he gave was from information relayed to him by the technical team as opposed to first hand knowledge. The witness responded by stating that as the Company Secretary, he had personal knowledge of the facts he testified to before the Panel. He confirmed that the Head of the Human Resources Department of his Company is Chisa Oladebo, who gave the directive for the billboard to be switched off. He noted that she sent the Governor's memo concerning the curfew to the company's group chat. He indicated that the message was directed to the Operations team, who had been working outside since all staff had been working from home. He reiterated that Chisa Oladebo directed the staff operating the billboard to switch same off all the bill boards. He noted that the billboard at the Toll-Gate was not the only one that was switched off. All other billboards were expected to go off by 3pm. He went on to inform the Panel that the Head of Operations was one Mr. Lucky (witness noted that he could not remember the surname), who was not at the facility on the 20th of October, 2020. The only personnel at the bill board on the day of the incident was one Mr. Kor Asue, the generator man whose duty was to switch on the generator when the public power supply went out.

He stated the name of the Managing Director of the company as Mr. Aderale Olusoga. He noted that the only member of the Tinubu family in the company is Mr. Seyi Tinubu, who is a shareholder and doubles as a Director. He further noted that he knows Mr Seyi Tinubu, and he is a majority shareholder. That his duty as the Company Secretary was to organize board meetings, give the company general and legal advice on actions it seeks to take. He stated that he is not a technical person, but a Lawyer and his expertise is in advertising, as he has worked in advertising for eight (8) years. He also confirmed that although he was not an engineer, he has a foundational idea of advertising content, target market and so on, by virtue of the position he holds. Mr. Ogunlana then requested the witness to speak on advertising content since he has become an expert by virtue of 'long usage.' The witness responded stating that advertisement was meant for a target audience and that some types of adverts were for banks and telecommunications who are their customers. He disagreed that the purpose of switching off the lights at the Toll Gate was to throw the place in darkness. The purpose of the Bill Board was actually not to illuminate the Toll Gate. He emphasized that although the billboard was a big one, it did not serve the purpose of lighting up the Toll Gate. He further insisted that that the purpose of the bill board was not to provide light or illumination to the Toll Gate. He also informed the Panel that the company did not resume operations after the incident until March, 2021.

SUMMONS ISSUED ON PROFESSOR JOHN OBAFUNWA

Appearances Entered:

Mr. J. Owonikoko, SAN with Olukayode Enitan, SAN, Jerry Briggs, J. Tony and Y. Olabode for the Lagos State Government.

Mr. Olumide Fusika, SAN with Rabiat Fawehinmi-Morakinyo for named #endSARS protesters.

Mr. Adeshina Ogunlana with Mr. Ayo Ademiluyi for named #endSARS protesters.

Mr. J. I. Eboseremen with Emmanuel Eze for the Nigeria Police Force.

Mr. Rotimi Seriki. with Mr. Akin Elegbede for Lekki Concession Company Limited. Jonathan Ogunsanya, Counsel to the Panel.

EVIDENCE IN -CHIEF OF PROFESSOR JOHN OBAFUNWA

The witness began by stating his name as John Oladapo Obafunwa. He is an Anatomy and Forensic Pathologist from the Department of Pathology and Forensic Medicine at the Lagos State University Teaching Hospital (LASUTH), Ikeja, Lagos. He also confirmed that he was summoned to appear before the Panel with some documents. He noted that he is involved in Coroner services through the Office of the Chief Medical Examiner, and that the Office of the Chief Medical examiner is domiciled in the department of Pathology, LASUTH.

The witness then went on to state some of his qualifications as MBBS in 1980, FMC Pathology. In 1987, he obtained the FWACP while in 1989 he obtained the degree of DMJ Path. In 1991, he got the degree of MRC Pathology and in 1992 obtained the award of Forensics. In 1998, he obtained the certification of FF Path. RCPI and in 1998 obtained the FRC Pathology. In 2001, he got the Certificate in Law, from the University of Kent in 2002, his LL.B. from Northumbria, United Kingdom, 2004. He then went on to obtain the award of FCLM in 2005, MFFLM, London in 2007, FFFLM in 2009 and CAS from the University of Zurich in 2018.

Professor Obafunwa then went on to confirm that he was served with a Witness Summon and then went on to identify and confirm the Summon that was issued on him. In the absence of objection from any of the Counsel, the Summons to witness under Form A section 5C issued to Professor Obafunwa received on the 4th day of May, 2021 was admitted and marked as Exhibit A. The witness then confirmed that he had three of the Post-Mortem reports conducted on some bodies from the incident of 20th October, 2020 with him. The three (3) post-mortem reports of #EndSARS unknown persons tagged as YABA/2020/005, YABA/2020/062 and YABA/2020/041 were also tendered and admitted as Exhibit B in the absence of objections.



When asked if he had any other documents to present to the Panel as stated in the Summons, the witness indicated that he also had three (3) compact discs (cd) containing photographs taken at the autopsy. In the absence of any objections, the cd's were marked EndSARS/YABA/2020/005, EndSARS/YABA/2020/041, EndSARS/YABA/2020/062, Autopsy Images/Radiographic images were hereby admitted together and marked Exhibit C.

The witness also indicated that he could speak to the autopsy reports without the images. He noted that he had the report for three cases he was asked to present. He explained that although the deaths of the three victims in the case came about at the Lekki Toll Gate, their identities were still unknown and that was why they were only identifiable by numbers and not names. As a result, DNA samples had to be obtained from the corpses for identification purposes. He further explained the meaning of the identification given to the corpses. He also noted that the bodies were labeled in Yaba, brought to LASUTH for autopsy and then returned again to the Yaba mortuary. He stated specifically that he was only dealing with the cases presented to him.

He explained that in respect of the first corpse- ENDSARS/YABA/2020/005, YABA referred to the fact that the corpse was preserved at Yaba mortuary. He further stated that the corpse was said to be brought in from the Lekki Bridge at about 05:27pm on the 24th of October, 2020 by Officers of the State Environmental Monitoring Unit (SEMU). With the authorization from the Coroner, the autopsy in respect of the instant corpse was conducted at LASUTH on the 29th of October, 2020 starting at 12:45pm and ending at 01:50pm. The witness explained further that the procedure for the autopsy included conducting the dissection, an x-ray of the entire body for the purpose of uncovering the presence of any foreign body. The result of the x-ray is contained in the Radiologist report, signed by the Radiologist and attached to the post-mortem report. He noted that the x-ray showed a fracture of the 7th rib, body was slightly decomposing, skin slipping off and greenish decomposition. Also, the body had been embalmed to stop decomposition. There was also a laceration/gash on the left hand side of the skull, measuring 8cm by 2cm but no fracture of the underlying bone. The only injury on the inside was a fracture of the left 7th rib. The examination of other systems showed accumulation of bloody fluid in the chest cavity on both sides as well as moderate to severe decomposition. Autopsy findings led to the conclusion that the cause of death was bleeding into the chest cavity sequel to a blunt force trauma to the chest. In summary, we concluded that death was as a result of bilateral hematoma sequel to blunt force trauma. However, he could not comment on the cause of the blunt force trauma because of the stage of decomposition.

Professor Obafunwa further submitted that samples of the organs which were taken were then looked at under the microscope. However, the results revealed nothing remarkable, but decomposition. Additionally, a Dentist carried out dental charting of

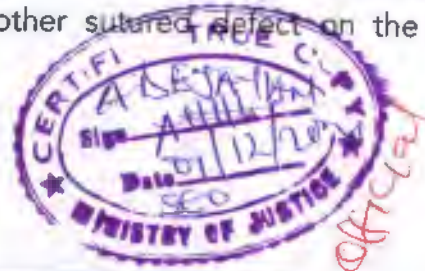
the corpses as part of measures towards the identification of the corpses; in order to have an ante-mortem record to compare with.

In respect of the second corpse (case- 041), the identification of the deceased was also unknown, but the funeral home where the bodies were kept stated that the place of death was said to be Lekki. Death was also said to have occurred around 01:45am on the 21st of October, 2020. The witness proffered that the deceased was an adult, who had reportedly been taken to Reddington Hospital, Lekki in an unconscious state as a result of an open skull fracture which allegedly occurred on the 21st of October, 2020 at about 01:15am. The corpse was deposited at the Mainland Hospital, Yaba and transported down to Ikeja, Lagos for post-mortem on the 1st of November, 2020. The body of this corpse had also been embalmed to stop the process of decomposition.

He further proffered that the autopsy commenced at 07:45am to 11am. No bullets or pellets were found embedded in the body when an x-ray was conducted on it prior to it being cut open. The x-ray also revealed multiple skull fractures which the funeral home had packed with some materials in the process of embalmment in order to prevent the fluid from leaking out. .

Ragged sutured laceration running from the left side in the front across the vertex to the right side of the skull was observed during autopsy. Additionally, multiple fractures of the skull as well as bleeding into the brain tissue were also observed. The deceased had also suffered bruising into the left anterior chest wall in the chest as well as a fracture of the left rib. Generally, the internal organs were also pale, and this suggested that there had been severe blood loss. Incidental finding revealed the evidence of hypertensive heart disease; although this had nothing to do with the cause of death. Like the first corpse, samples were also taken for DNA studies and examined under the microscope. The results from the autopsy led to the conclusion that death occurred as a result of craniocerebral injury (severe skull and brain injury) from blunt force trauma.

The third case – 062 was also said to have died at the Lekki toll gate. The body was said to have also been recovered by the State Environmental Monitoring Unit (SEMU) who then deposited the body at the mortuary of the General Hospital, Yaba. The autopsy which was conducted began by 08:45am. The x-ray conducted, revealed the presence of the fracture of the 2nd vertebrae of the chest cavity (hole at the back), 2nd thoracic vertebrae and also the left tibia (left leg). However, no bullet and no pellets were seen or recovered. The body had also been embalmed. The head also revealed a bruise and grazed abrasion on the left side. Similarly, the left upper limb also showed evidence of grazed abrasion. However, a defect measuring about half an inch which had been sutured was observed. Another sutured defect on the back,



measuring about 2cm in diameter (almost an inch and bigger than the defect at the front) as well as a sutured linear laceration in the lower part of the leg were also observed.

Upon opening the deceased up, a laceration or tearing of the muscles of the chest with a defect in the intervening muscle between the first (1st) and second (2nd) rib accompanied by destruction of the major blood vessels that will normally ascend to the neck were observed. This was accompanied by severe bleeding of the right chest cavity (650 ml). A fracture of the second (2nd) thoracic vertebrae was also seen, which the witness explained that it was the portion of the back bone in the chest. This defect, the witness noted goes right through the body of the bone and communicated with the defects at the back (the 2cm defect that was sutured). In other words, the pathologists were dealing with a small injury at the front, which went in below the first rib, damaged the major blood vessels arising from the heart, proceeded further backwards to hit the backbone at the 2nd thoracic vertebrae level and the margin at the back. This led to the damage of the upper part of the right lung and led to the conclusion that death was due to severe blood loss as a result of the destruction of a major blood vessel; which could have been caused by gunshot injury.

Specifically, a rifled weapon. The witness also tendered the compact disc which had been admitted. Same was played and the witness gave explanations while it played stating that there was damage through the upper part of the lungs, showing tear to the wind pipe.

Cross-Examination of Professor Obafunwa by Mr. Olumide-Fusika, SAN.

When asked if the witness could determine how long the suturing done on the corpse of the deceased are, the witness responded by stating that, interest was not normally placed on how old a suture is. However, he could assure that the suturing was done post-mortem and at the Mainland mortuary, Yaba where the body was kept. He confirmed that SEMU recovered the body of the deceased and took it to the mortuary. He however clarified that sutures are not a form of operation. Its purpose is simply to prevent the embalming fluid from leaking out. When asked to confirm the exact date when the body was allegedly picked up, the responded that he did not know. He however confirmed that he did come in contact with the body on the 2nd of November, 2020 when it was brought to Ikeja for autopsy, while the body was recovered on the 21st of October, 2020.

Mr. Olumide-Fusika SAN noted that in the course of the witness's testimony, his response to one of the questions asked was: "I have reports on the deaths we are supposed to be talking about. There are three of them". The witness confirmed that he stated so, but went on to explain that based on the summons he received; he believed that he was asked to come speak on the Lekki cases. Professor Obafunwa further confirmed that he did not go about scavenging for bodies; and that if he was

not told that a body was recovered from Lekki, he wouldn't know. He went on to restate that he is a Professor of Forensic Pathology and his role in the department of Pathology at LASUTH is that he teaches Anatomy and Forensic Medicine, he is a Consultant in the Teaching Hospital and also participates in Coroner's autopsies.

When asked to recall a Call/public announcement in newspapers by the Chief Coroner of Lagos State for the purposes of identifying missing persons, the witness clarified that the advert was not for members of the public to come forward to identify bodies. Rather, the advert was an invitation for the public to meet with the Pathologists towards identifying bodies. This was because there were bodies that could be looked at and immediately identified; while there were bodies that required DNA tests for identification.

When further asked if he knew that the advert specifically mentioned people who had lost their loved ones between 19th and 27th of October, 2020, the witness agreed, even though he did not have the record with him. When Mr. Olumide-Fusika SAN started to read out the contents of the announcement, Mr. Owonikoko, SAN objected on the ground that the proper procedure was for Mr. Olumide-Fusika to produce the document and show same to him. Only then, can the witness speak to it. The Panel consequently ruled that where a party is leading a witness in respect of a document, the document ought to be put in evidence first.

Mr. Olumide-Fusika SAN asked Professor Obafunwa to confirm that there was an advertisement to the public, that the date in reference was the 19th – 27th October, 2020 even though he did not have the document with him and that the people who responded to the Call had to come to his department.

When asked how many corpses were brought before 19th and 27th of October, 2020 the witness responded by stating that the Coroner instructed his department to carry out autopsies on bodies recovered between 20th and 24th October, 2020, not just in respect of bodies recovered in Lekki but also from Ajah, Surulere, Fagba, Ikorodu and Ikoyi Prisons totaling 99 bodies. The witness noted that he did not have the date each of the bodies was deposited with him at that material time. However, he could look for those records. At this point, Mr. Olumide-Fusika made an Application for the witness to bring the records of the ninety-nine (99) bodies.

Mr. Olukayode Enitan SAN, however objected on the grounds that it was outside the Terms of Reference of the Panel, and the witness was only summoned to give evidence and submit report(s) in respect of the examinations he/his Office conducted on the corpses of the bodies in respect of the incident of the 20th of October, 2020, which occurred at the Lekki toll gate Admiralty Circle, Lekki, Lagos in order to assist the Panel in getting to the truth of the matter. As such, the Application made by Mr. Olumide-Fusika will amount to inviting the Panel to go beyond its Terms of Reference. Thus, said



Application should be summarily refused. While aligning himself with the position of Mr. Olukayode Enitan SAN, Mr. Rotimi Seriki Esq. also urged the Panel to take cognizance of the fact that it had very limited time to conclude its assignment. Further, that the implication of granting the Application will be that all the other Counsel will be unable to conduct their own cross-examinations because Mr. Olumide-Fusika SAN, would be yet to conclude his. In addition, Mr. Olumide-Fusika ought to have requested for a Summon for the autopsy records of all corpses in Lagos State within the specific period contained in the advert under reference. He consequently urged the Panel to discountenance the Application and direct Mr. Olumide-Fusika to close his cross-examination so Counsel can conduct theirs.

Mr. Adesina Ogunlana however opined that it would amount to shutting out Mr. Olumide-Fusika's request since the witness had given evidence that he and his team attended to ninety-nine (99) corpses. Most importantly, the purport of the Panel's assignment was to search for the truth. Mrs. Amanda Asagba (for the NBA) concurred with this position. Mr. J.I. Eboseremen Esq. also aligned himself with Mr. Olukayode Enitan SAN and Mr. Rotimi Seriki's positions.

In a considered Ruling, the Panel held that the evidence that only three (3) bodies were recovered from the Lekki toll gate incident needed to be further investigated; especially as the essence of setting up the Panel itself was for the matter to be investigated in order to arrive at a just conclusion as well as the position of majority of the members of the Panel. As such, the Application for adjournment to enable the witness produce the other autopsy results of all the recovered bodies is granted and the proceeding adjourned to the 19th of June, 2021.

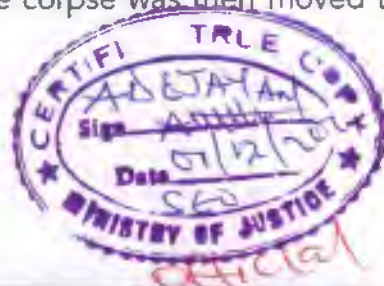
At the resumed Hearing date, Mr. Olumide-Fusika, SAN continued his cross-examination of the witness by reminding him that the cross-examination on the last adjourned date stopped at the point in which the witness was told to produce autopsies of the other corpses. Professor Obafunwa in response first began by clarifying that he is a Forensic Pathologist working in the Department of Pathology and Forensic Medicine, LASUTH in the Office of the Chief Medical Examiner domiciled in that department. Secondly, he used to be the Chief Medical Examiner for Lagos State and lastly, that he was not involved in the recovery or gathering of the bodies. He was only officially invited to get involved in the matter on the 20th of October, 2020 which was well over a week after the Lekki Toll Gate incident. Based on this, he believed that he was not required to bring the autopsy reports, but documents showing when the bodies came in, the body/agency that brought the body in and so on. When the Panel informed him that he was required to bring the autopsy reports of the other ninety-six (96) bodies, the witness indicated his willingness to bring all the reports as well as the compact discs as he did not have them with him. That what he had at the moment were papers of entries into the mortuaries, the list from the Medical Director at Ikorodu

General Hospital, indicating the six (6) cases, Letter from the Isolo General Hospital indicating the two (2) cases they had, a photocopy of the Register at Mainland hospital where about 83 of the bodies came from. At this point, Mr. Olukayode Enitan, SAN suggested that the documents the witness had at hand should be tendered in evidence. All other Counsel with the exception of Mr. Olumide-Fusika, SAN supported the position. The Panel however noted that while the records brought by the witness were not fully compliant with the Order of the Panel made during the previous hearing, it would however admit same due to the fact that it was the majority decision and a time saving one. Pursuant to this, Mr. Olumide-Fusika, SAN sought to have the documents admitted in evidence. In the absence of objection, the documents were admitted in evidence and marked as follows:

- Exhibit D- Extract from the Register of T.O.S. Funeral Homes No. 2549 to 2620;
- Exhibit D1- Illegible photocopy of TOS Funeral home was marked;
- Exhibit E- Bodies of ENDSARS recovered from various morgues within the State showing a list of 99 bodies;
- Exhibit F- General Hospital, Isolo Morgue, ENDSARS cases list of 2 is admitted and marked;
- Exhibit G- The Caring Global Resources Lagos Island Mortuary list of 5 showing bodies deposited on the 21st of October, 2020 is admitted and marked;
- Exhibit H- Circular from Lagos State Government to the Chief Medical Examiner dated 15th June,; and
- Exhibit I- A bundle of daily Nurses Report, Lagos State Government Hospitals, General Hospital Outpatient Treatment Card of #EndSARS Reports in Lagos State.

The witness continued to give evidence that he recalled that one of the body bags contained three decomposing and severely charred corpses to wit: a skull belonging to an adult, skull belonging to a baby and a torso. These remains, he noted were separated and treated and independently.

When Exhibit B, whose Report was labeled- YABA/2020/041 was recalled, the witness confirmed that the account, contained in the attached Report stating that the deceased, an unknown male adult was reportedly taken to Reddington Hospital, Lekki on account of an open skull fracture in an unconscious state on the 21st of October, 2020 and certified dead at 01:45am and that the said corpse was deposited at Mainland Hospital and subsequently transported to LASUTH, for post-mortem examination came from the morgue. The witness also confirmed that the body got to Reddington hospital, Lekki at 1:15am and was pronounced dead at 1:45am at the same hospital. He reiterated the fact that the corpse was then moved to Mainland Hospital morgue after he died.



When Mr. Olumide-Fusika, SAN referred the witness to page 9 of the Report which stated that "the body was noticed to have been tampered with after death (possibly by the morticians)" and then asked if it would not have hindered proper-post-mortem examination, the witness explained that the reason he stated that was because the corpse was allegedly taken to Reddington Hospital with an open skull fracture. When the patient could not be resuscitated, he was moved to Mainland Hospital morgue. He referred to Page 5 (particularly injury No. 3) of the Report which talked about recent internal injuries. He noted that the Report made reference to the existence of multiple skull fractures in the vertex of the skull, which had been packed with polythene materials or other things. He further noted that it was not uncommon for morticians to stuff a defect in the process of embalming a body, in order to avoid the draining out of blood or embalming fluid or for the purposes of maintaining cosmetic appearance of the body. He went on to explain that the terminology 'hamper' was used as the best means of explaining what was found; so that a definitive opinion can be given. He emphasized that it did not mean that there was something to hide. When asked what the purpose of a post mortem was, the witness explained that it was to determine the person he was dealing with as well as the identification of the cause of death. He agreed that where no pellets or bullets were found in a body, it was not conclusive proof that the person did not die from gunshot wounds.

When referred to Page 3 (radiological examination) which stated that "total body radiograph reveals no bullets or pellets" and asked why the pathologist was looking for bullets or pellets, the witness responded by stating that it was not done for a specific reason. It was standard practice for a total body radiograph or x-ray to be done for the purposes of looking for foreign bodies, fractures and so on where there is a mass disaster or where there is speculation.

When further asked if there was a particular interest in eliminating the statement which stated that "total body radiograph reveals no bullets or pellets", the witness again referred the Panel to page 9 of the Report which contained the Radiology Report. He noted that all he did was summarize it. It would be illogical for him to conduct an autopsy without conducting a radiology test. The witness also confirmed that in the corpse tagged and identified as 062, no bullets or pellets were recovered. When Mr. Olumide-Fusika SAN, tried to differentiate between the corpses tagged 062 and 041, by emphasizing that 041 died at Reddington Hospital, the witness responded by explaining that during autopsy, all the official is required to do is to document the narrative the recovery agency gives them. He noted that it was not uncommon that when someone suffers an injury, there are usually rescue efforts aimed at saving or helping such person. He however emphasized that it did not mean that the person did not die at the scene. However, it was a possibility, despite the absence of bullets or pellets.

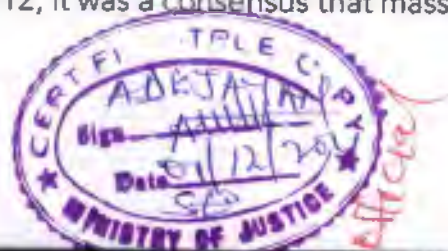
Professor Obafunwa confirmed that the cause of death in 041 is craniocerebral injury. He explained that a craniocerebral injury is an injury to the skull and the brain as a result of blunt force trauma. In forensic pathology, there are three (3) broad classes which could either be caused by sharp objects such as knives, sword or machete, blunt object such as a baseball bat, fist or any object that has no sharp edge and the mixed category. He further explained that in the case of a blunt force injury/trauma, the injury is recognizable by the absence of a sharp focus or clear cuts. Referring to Page 8 of the Report, the witness added that the factors which led the pathologists to conclude that the deceased died from blunt force trauma is a defect/multiple fracture, lacerations in the skull as well as bleeding around the brain.

He informed the Panel that there was no stabbing, no reason to conclude that the deceased died as a result of a missile injury or fist blow. At this point, Mr. Olumide-Fusika, SAN sought an adjournment when he requested that the witness look at a picture in order to confirm if it is the same body. The matter was consequently adjourned to the 26th of June, 2021.

At the resumed hearing, on the 10th of July, 2021 the witness informed the Panel that he had brought the ninety-nine (99) reports and nine-nine (99) compact discs which he was asked to produce. In the absence of any objection, the post mortem reports on #EndSARS victims 1-54 and 55-99 were admitted together and marked Exhibit J while compact discs (cd's) 1-99 of victims of #EndSARS were also admitted and marked Exhibit K.

Again, the witness clarified that there was a public announcement by the Lagos State Government for people to come to his department to initiate the process of identification of bodies, and not for them to just point at a body and take same away. Since the announcement was made, only about fifteen families have come forward while only three (3) have been claimed out of the ninety-nine (99) corpses. He confirmed that the fact that no family member has come to initiate the process of identification with a view to claiming the remaining corpses does not change the act that they exist. He denied ever hearing the statements saying "nobody died at Lekki, because where are the bodies? Where are the family members?"

When asked if he knew what would happen to the unclaimed corpses, the witness noted that he refused to accept that these corpses were unclaimed or unknown. He expressed hope that with the aid of DNA, all the bodies would be identifiable as was done during the Dana airline and Synagogue incidents. He further noted that all that was required was for the acceptable next of kin to come with DNA samples, which would then be compared with that collected during autopsy. Once it matches, the corpse is identified. He emphasized that in 2012, it was a consensus that mass burials



would never be done again and that all bodies must be identified. He appealed with family members to come forward with the DNA samples for identification as the corpses were all labeled with #EndSARS labels. When asked what happens to unclaimed bodies, he replied that he was not in a position to make such decision.

The witness confirmed that it was a valid assumption that the incident, which led to the death of a corpse happened in the coverage of the area where it was brought from. He also confirmed that the bodies kept in the mortuary include corpses that either died in the hospital or those that were transported there from their homes or other locations. When Mr. Olumide-Fusika SAN, requested for the witness to be shown Exhibit E, he noted that it was a compilation of all the information received at his department. He clarified that his department did not receive any body. When asked where his department got the information contained under the sub-heading 'Alleged Place of Recovery', the witness stated that they were part of the papers that came from the different mortuaries.

When referred to and asked why Exhibit D did not contain the column for 'Alleged Place of Recovery' and where the witness obtained Exhibit 'D1' from, the witness responded by stating that Exhibit D was the Mainland Hospital Morgue and that Exhibit D1 in particular was snapped and sent from the mainland Hospital morgue to a phone which was then forwarded to the department because he complained that the contents of Exhibit D were not good enough. He went on to further explain that the typed document was the one done in the department to put everything together. He agreed that the handwritten document did not contain the column showing the place of recovery because the copy was not properly made. He also noted that the Register (Exhibit 'I') was not always the source for the handwritten document.

When asked what the relationship between Exhibits 'I' and 'D' was, he explained that Exhibit I gives information about the person/agency that brought in the body, the date and time it was brought in as well as the serial number from the mortuary. He then compares the information with that provided by the mortuary regarding their serial number for the purposes of identifying where the body came from. He agreed that the entries in respect of the identities of #EndSARS/YABA/2020/078, #EndSARS/YABA/2020/079, #EndSARS/YABA/2020/080 and #EndSARS/YABA/2020/081 respectively were neither made by him or his department. He also confirmed that each of them also noted that the corpses were brought in dead by MPS, Abuja because it was written in the reports. However, neither the name of the specific Officer who recovered the corpse or the location where they were recovered was stated.

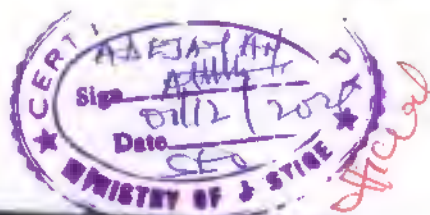
When also asked if he could identify the corpse tagged as #EndSARS/ISOLO/2020/086, the witness responded in the affirmative because he noted that there was a death certificate attached to it. He confirmed that he was not the maker

of the certificate; one Dr. Olayinka A. O. authored it. He also confirmed that in front of the report is a data form from the Isolo General Hospital which contained details about the person who recovered the corpse, circumstance of death and other information. When asked what the difference between him signing death certificates and not signing the release for a corpse in which a certificate of death had been issued, the witness explained that it was not uncommon for doctors to issue certificates in a case that was clearly a coroner's case. Further, that when his department sees such a certificate, it is jettisoned and such doctor is informed that he should never have issued same, until an autopsy is done and another death certificate is issued. He specifically noted that the certificate which came with the body from the General Hospital, Isolo, Lagos was ignored. In addition, he obtained the information from the form in front of the reports.

When asked if he could identify the corpse tagged as #EndSARS/IKEJA/2020/087, the witness confirmed same in the affirmative. The witness denied being the one that cancelled the entry on the report which stated that the cause of death was "stray bullet by the Police". He however concurred that the official information stating that the victim had been sitting at a shop bleeding and was rushed to the hospital where he was confirmed dead; and that the corpse was brought in by one Akpan Esther were all contained in the report. .

In respect of the corpse tagged #EndSARS/IKEJA/2020/084, the witness confirmed that he could be identified, and that it was brought in by a Good Samaritan to LASUTH from the Lagos State University Teaching Hospital (LUTH). He also confirmed that all the information with the exception of the name of the deceased was contained in the report. The corpse tagged as #EndSARS/ISOLO/2020/085 was identified and the information regarding the person who brought the corpse in was also contained in it. The witness noted that the position was the same for the corpses tagged as #EndSARS/YABA/2020/038 and #EndSARS/YABA/2020/046 respectively. He also confirmed that in both cases, the patients were unknown and brought in dead by one Mr. Ogundeji, Driver in the General Hospital, Mushin. Further, that the corpse tagged 038 was brought in on account of gunshot injury before being transferred to the morgue while 048 was a body brought in dead who was declared clinically dead and then transferred to the morgue of the Mainland Hospital. He also indicated that although the only information in the autopsy report was that a body was brought in from General Hospital, Mushin, there was additional information on the issue in Exhibit E.

The witness informed the Panel that Coroner inquest had not started on the ninety-nine (99) bodies. He then explained that the purpose of a Coroner's inquest is to determine who, where, when and how the deceased died and come to a verdict. He also noted that the corpse tagged as #EndSARS/YABA/2020/039 was identified.



When asked who the maker of the report was, the witness explained that the fact that the presence of two (2) different handwritings on the report presumed that it was authored by two people in which one author documented that the body was brought to the hospital by someone and included the date and time; while the other authored incidented that the corpse was brought in dead (BID). He also informed the Panel that he had the serial number of the corpse at hand.

The witness vehemently denied saying that a corpse brought in dead (BID) meant that the body had been taken to the morgue; and went on to explain that when a body is brought to the hospital, it is taken to the medical emergency section where a document directing the transfer of the corpse to the morgue is drafted. Again, the witness confirmed that two authors probably authored the reports of the corpses tagged as 038 and 046 respectively as a result of the presence of two different handwritings on the report. He however noted that the presence of two handwritings didn't indicate foul play. He went on to explain that the most important thing was for the body to first be taken to the medical emergency section first in order to document its entry into the hospital. Further, that the documents were made at the Mainland Hospital, Yaba, Lagos. He also confirmed that while it could be assumed that two persons died at the General Hospital, Mushin, Lagos it was also possible for them to have died anywhere else. He noted that because the General Hospital, Mushin did not have a mortuary, the driver had to go the medical emergency for someone to register the body. He went on to explain that it is such cases like that of 038 that the doctor would write "case of BID, transfer to the mortuary"; and that a perusal of the autopsy report reveals details such as the place of death, alleged place of recovery and so on. When such corpse arrives at the mortuary, it is then given a serial number which will be written at the top.

Moving on to the corpse tagged as #EndDSARS/LAGOS/2020/092, the witness confirmed that the accompanying document originated from the General Hospital, Odan, situate at Lagos Island. Professor Obafunwa acknowledged that the name of the deceased (Ade Adisa Yusuf) and cause of death (gunshot injury) is known while the next of kin and the place of recovery of the corpse were unknown and not stated respectively. The witness also stated that the document indicated that the nurse to the patient was managing him for a gunshot injury to the anus until his death. When Mr. Ojumide-Fusika asked if the patient had not died at the time and was being managed at the time he brought in, the witness clarified that a careful perusal of the document would have revealed some entry regarding drugs/medication and so on if he was being managed. He however noted that he suspected that the person was either brought in dead or gasping and they tried to resuscitate him. He indicated that he was only trying to explain and not questioning the entry. He also referred the Panel to the part of the document which stated that "on examination, lifeless body."

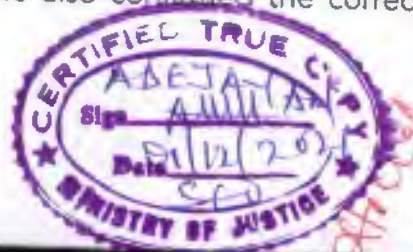
He however agreed that the place where the person died was not stated in the document.

The witness noted that the body tagged #EndSARS/LAGOS/2020/091 was also identified and that the deceased's name was Olayiwola Malik and he was brought to LASUTH from General Hospital, Odan. He confirmed that the report indicated that the body was brought in dead and referred to the morgue. He also confirmed that the place where the corpse came from was not stated in the report. In respect of the corpse tagged #EndSARS/LAGOS/2020/090, the witness informed the Panel that the corpse was identified and the deceased, who died from gunshot injury to the skull was named Adebanjo Idowu. He clarified that although the maker of the document indicated that he had been admitted for gunshot injury to the skull, he was however also certified dead by the same author. Further, that the place where the deceased came from was not stated in the document.

Professor Obafunwa informed the Panel that the corpse tagged as ENDSARS/LAGOS/2020/088 was identified. He also confirmed that he died from gunshot injury, from the shootings at Ebute-Metta. He also confirmed the identification of the corpse tagged as #EndSARS/LAGOS/2020/053 who was brought into the examination room for a gunshot injury to the back, even though the place where the incident took place isn't stated on the document. In relation to the corpse tagged as #ENDSARS/LAGOS/2020/089, the witness acknowledged the identification of the corpse who was named Aina (unknown) who was brought into the emergency room for gunshot injury to the back. However, the accompanying form did not state where the incident took place.

When asked if the documents tagged #EndSARS/IKORODU/2020/093 to #EndSARS/IKORODU/2020/098 were identifiable, the witness concurred. The documents indicated that the documents all indicated that the corpses were brought in dead (BID) to the Lagos State General Hospital, Ikorodu. Although he also confirmed that the documents did not state the names of the persons who brought them in, he however explained that it additional information were contained in in Exhibit H, which was a letter from the Medical Director of the General Hospital, Ikorodu. He intimated the Panel that when they asked for the bodies, his department also requested for the photocopy of all the cases, and information was provided in respect of each corpse. However, the corpses tagged as No. 94 and 95 respectively were unknown and also brought in dead.

The witness went on to acknowledge that in Exhibit H, there were about six (6) names from Ikorodu General Hospital (093-098). Further, the witness confirmed that the information listed as number 1 in Exhibit H, in respect of Phillip Obiekube tagged as #EndSARS/IKORODU/2020/098 was correct. He also confirmed the correctness of



the column 9 of Exhibit H which listed the location of the body as 17, Etureka Street, Ita-Oluwo, Ikorodu. He however noted that he would not know whether it was the address of the deceased person, as opposed to the location where the body was found that was listed in that column. When Mr. Olumide-Fusika again suggested to the witness that the information contained in the column was the deceased's address, the witness also insisted that it was only the address listed on the form. Further, that it was the information the medical director sent to his department.

Mr. Olumide-Fusika SAN, referred the witness to number 2 on Exhibit H, the witness confirmed that the address of the body tagged as #EndSARS/IKORODU/2020/097 was stated as Alhaji Oseni Street, Igbogbo, Lagos. He also confirmed that the name for the victim as listed in Exhibit H was unknown. When asked if the address was that of the victim or the location where the body came from, the witness clarified that in the document from the medical director, the address listed as noted to be the location of the body, while that from the emergency unit listed it as Alhaji Oseni Street, Igbogbo. The witness went on to state that the identity of the corpse tagged as #EndSARS/IKORODU/2020/093 was unknown but the address was listed as Falud, Oko Oba area. He explained that the same address in Exhibit H is what was listed as the location of the body. He informed the Panel that the body tagged as #EndSARS/IKORODU/2020/096 was identified as Chinedu Aloy and listed as the third in Exhibit H. Further, that the body was brought in by one ASP. Uwache attached to the Sagamu Road Police Station. However, the location where the body was recovered from was not listed.

The body tagged as #EndSARS/IKORODU/2020/094 was also identified by the witness. He confirmed that all the information listed on it, including the sex of the deceased was unknown. He went on to explain that in respect to Exhibit H, the body was brought to his department from the Ikorodu General Hospital. Further, that he did not know where it was prior to its arrival at the Ikorodu General Hospital. On the identity of the body tagged as #EndSARS/IKORODU/2020/095. He explained that no information was listed on the form; and that as far as Exhibit H was concerned, could not link it to any number on Exhibit H but that he would like to see the autopsy report he authored in respect of the body. He confirmed that Police Officers brought the corpses and that their locations were unknown from Ikorodu General Hospital.

He did not interact with the Police Officers, and would not have needed to interact with them as there were other documents, such as the Coroner's Papers written by Police Officers that could establish the identity. He explained that the Coroner's Papers would carry different dates as the bodies were brought in on different days and that as at the time these documents were made, the only information contained in Exhibit I was all that was available in respect of the bodies tagged as 094-096.

Professor Obafunwa identified the document in respect of bodies tagged #EndSARS/YABA/2020/032, #EndSARS /YABA/2020/033, #EndSARS /YABA/2020/044, #EndSARS /YABA/2020/049, #EndSARS /YABA/2020/051, #EndSARS /YABA/2020/052 and #EndSARS /YABA/2020/056 and that they were all brought in by Police Officers whose names and the locations where the bodies were recovered from were not stated. The witness further confirmed that in contrast to the corpses listed as, 033, 044, 049, 050, 052 and 056, the corpses listed as #EndSARS /YABA/2020/010, #EndSARS /YABA/2020/013, #EndSARS /YABA/2020/042, #EndSARS /YABA/2020/043, #EndSARS /YABA/2020/054, #EndSARS /YABA/2020/055, #EndSARS /YABA/2020/059, #EndSARS /YABA/2020/057, #EndSARS /YABA/2020/058, #EndSARS /YABA/2020/060, #EndSARS /YABA/2020/061 respectively had the names of the Officers who brought the bodies in listed but not where the bodies were gotten from, a lot of this information was not contained in the form of reference.

In relation to corpses from the Nigerian Prisons Services (NPS), the witness noted that irrespective of the location of the Prison, the bodies from the NPS allegedly came from Ikoyi Prisons during a riot. The witness confirmed that he brought the post mortem reports to the Panel and that they were relevant to some of the questions. He also noted that while he agreed to the definition of an autopsy as read to him and obtained from Web MD, he however had an objection to the fact that in his department, autopsies were not as a matter of practice limited to just an organ. Further, that an autopsy was not limited to determining only questions of the cause of death but also for the purposes of answering medico-legal questions. The witness also clarified that an autopsy, did not involve the Pathologist going to the Police Stations to find out where the bodies were picked.

The witness went on to confirm that he could identify the autopsy report of the body tagged #EndSARS/IKEJA/2020/083. He informed the Panel that he had the tag victim tagged as #EndSARS/IKEJA/2020/083 and confirmed that from the first page of the document which contained the details of entry, the deceased was said to have escaped from lawful custody. He also confirmed that as contained in the attached page, the summary of the events leading up to his death noted that he had been shot after escaping from lawful custody. The witness however explained that the document was allegedly received from the Police in Ikeja as opposed to the Ikoyi Prison. When asked if he agreed that a person in lawful custody should not be unknown, the witness stated that he was not the proper person for such questions to be directed to and believed that the Police or whoever had the custody of the victim would be the proper persons to ask.



The witness identified the document with the body tagged #EndSARS/IKEJA/2020/009 and that the name of the deceased was listed as Festus Vincent who was allegedly brought in dead from the Nigerian Prison Service, Ikoyi, name of the Officer who brought him in as well as an attached medical certificate. The witness emphasized that the information contained on the form was what he was told. The witness went on to note that he could identify the bodies' tagged #EndSARS/YABA/2020/007, #EndSARS /YABA/2020/048 and #EndSARS /YABA/2020/063 which were listed in Exhibit I. He confirmed that two of the documents were from Ikoyi Prison while the third was from Kirikiri Prison. He also confirmed that he had the names which were given to him as well as the names and phone numbers of the people who brought them in dead.

Professor John Obafunwa further confirmed the identities of the corpses tagged #EndSARS /YABA/2020/034, #EndSARS /YABA/2020/068, #EndSARS /YABA/2020/070, #EndSARS /YABA/2020/064, #EndSARS /YABA/2020/065, #EndSARS /YABA/2020/066, #EndSARS /YABA/2020/067, #EndSARS /YABA/2020/069 and #EndSARS/YABA/2020/074 respectively. He acknowledged that the deceased persons were all brought in dead but that the names of the officers were not stated. He also confirmed that the names of the deceased persons were listed in 034, 068, 070 and 071, that the other victims were also unknown and that the State Environmental Monitoring Unit (SEMU) was a Lagos State Agency.

The witness also confirmed the identities of the bodies tagged ENDSARS/YABA/2020/062, ENDSARS/YABA/2020/045, ENDSARS/YABA/2020/036, ENDSARS/YABA/2020/035, ENDSARS/YABA/2020/037, ENDSARS/YABA/2020/040, ENDSARS/YABA/2020/41, ENDSARS/YABA/2020/029, ENDSARS/YABA/2020/028, ENDSARS/YABA/2020/027, ENDSARS/YABA/2020/026, ENDSARS/YABA/2020/025, ENDSARS/YABA/2020/024, ENDSARS/YABA/2020/023, ENDSARS/YABA/2020/022, ENDSARS/YABA/2020/021, ENDSARS/YABA/2020/020, ENDSARS/YABA/2020/019, ENDSARS/YABA/2020/018, ENDSARS/YABA/2020/16, ENDSARS/YABA/2020/015, ENDSARS/YABA/2020/14, ENDSARS/YABA/2020/012, ENDSARS/YABA/2020/011, ENDSARS/YABA/2020/008, ENDSARS/YABA/2020/006, ENDSARS/YABA/2020/005, ENDSARS/YABA/2020/004, ENDSARS/YABA/2020/003, ENDSARS/YABA/2020/002, ENDSARS/YABA/2020/001 and ENDSARS/YABA/2020/099 respectively. He also confirmed that the bodies of the victims were all brought in by officials of SEMU and that they were unknown, according to the documents. He agreed that although the form did not state where the bodies were picked up from, but they are stated in the mortuary document. In addition, the names of the Officer of SEMU who brought the bodies in dead were stated in the document.

The witness also acknowledged that of the thirty-three (33) bodies, twenty-eight (28) of them were authored by one Abimbola Sheriff while three (3) were by one Mr. Olaonipekun (The leader of the team). He went on to explain that whoever led the

team has his name documented. At this point, further hearing in the evidence of Professor John Obafunwa was adjourned to 13th of July, 2021.

At the resumed hearing, Mr. Obilade holding the brief of Mr. Olumide-Fusika, SAN informed the Panel that they would be ending their cross-examination of Professor Obafunwa as a result of the limited time with which the Panel had to work with. Further, that they still had a lot of questions to ask even though they had been unable to go through most of the recent exhibits the witness tendered.

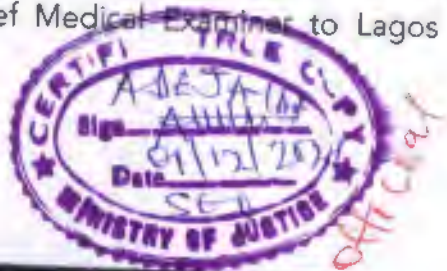
Cross-Examination of Professor Obafunwa by Mr. Rotimi Seriki, on Behalf Of the Lekki Concession Company.

The cross-examination commenced with the witness confirming that only three bodies out of the entire records given to him were indicated to have come from Lekki. He also confirmed that he has been resident in Lagos for decades, and was familiar with the location known as Lekki. The witness noted that it was possible that the area known as Lekki starts from the Oriental Hotel junction and ends at Ajah, but he couldn't be sure because he did not work with the Physical Planning Authority. He went on to confirm that he is familiar with the Lekki toll gate by Oriental Hotel; and that the space occupied by Lekki toll gate was a small fraction of the entire area known as Lekki.

The witness confirmed that from the autopsy reports (Exhibit B) conducted by his department, the bodies identified as 005 was said to have been recovered from Lekki while 041 and 062 were allegedly from the Lekki Toll Gate. He went on to state that the nature of the injury to the body identified as 062 was from severe blood loss due to damage to a major blood vessel on the right side as a result of gunshot injury. He further stated that the records show that the deceased was said to have died on the 21st of October, 2020 at the Lekki toll gate.

With respect to the second corpse (041), the witness identified severe cranial and brain injury as a result of blunt force trauma to be the cause of death. He explained that the victim was said to have been taken to Reddington Hospital in an unconscious state on the 21st of October, 2020 and certified dead at 1:15am on 21st of October, 2020 as well before he was moved to the Mainland Hospital mortuary.

The witness, at this point explained to the Panel that he was not the Chief Medical Examiner. Dr. Soyemi is the Acting Chief Medical Examiner and Head of Department. The witness went on to state positions he had held in Lagos State establishments prior to being the Chief Medical Examiner. He is a Professor of Forensic Pathology in Lagos State University College of Medicine, Consultant Pathologist at LASUTH and the Head of Department of Pathology and Forensics (both in LASUCOM and LASUTH). For eight (8) years, he is the Chief Medical Examiner to Lagos State



handling Coroner autopsies. Currently however, he was only a floor member in the department. He agreed that by virtue of the positions he has held, he could be regarded as a public servant and was bound by the Public Service Rules.

He agreed that by virtue of being a public servant he was precluded from divulging official records to any one, otherwise by a Court Order or by law. He also agreed that in context, and also by the Hippocratic Oath, he could not release the medical records of a patient to a stranger. Such records, the witness agreed were confidential and applied to every medical doctor whether in public or private practice. Lastly, the witness agreed that it could be suggested that all medical staff in LASUTH were medical Officers.

Cross-Examination of Professor Obafunwa by Mr. Olukayode Enitan, SAN on Behalf Of Lagos State Government.

The witness began by confirming that the contents of the Register obtained from the several morgues were the information he compiled into the document which was admitted as Exhibit E: additional autopsies he tendered by Order of the Panel. The witness confirmed that a total of 83 bodies were received from Yaba; and that the list contained details of each body upon which an autopsy was conducted.

When asked to take the Panel through the location and condition of all the bodies when autopsies were conducted on them, the witness explained that most of the bodies were in a mild to moderate state of decomposition and had been embalmed prior to autopsy. He noted that about twenty (20) bodies, allegedly from Fagba were charred (burnt). Further, that most of them were unknown. About six (6) of the bodies came from Ikorodu, and showed varying degrees of decomposition but had been embalmed in order to arrest decomposition; including the corpses that were allegedly from the Ikoyi Prisons.

The witness explained that the relationship between Exhibit D and Exhibit E was that Exhibit D was the raw footage image of the Register at the Mainland mortuary while some of the information in Exhibit E was picked from Exhibit D. He went on to confirm that two of the bodies from Isolo were brought in by their relatives. Further, that five (5) of the bodies were from the Lagos Island mortuary four (4) were from the Adeniji Adele and one (1) from Ebute-Metta).

The witness confirmed that he was conversant with gunshot injuries by virtue of his experience. Further, that during the examination of a body that was allegedly shot, it could to a very large extent be determined if such a person was shot; irrespective of whether or not a bullet was lodged in the body as well as the type of gun used. In respect of the type of gun used, the witness explained that there were two broad classifications of gunshot injuries. He went further to explain that where a handgun or

rifle was used, a bullet is expected to be discharged from it; as opposed to a shotgun which releases pellets. He however indicated that guns which discharged pellets were not typically seen to or used by law enforcement agencies.

Professor Obafunwa went on to confirm that law enforcement agencies are automatically ruled out of being responsible for the death of a person where examination of the injury reveals that the victim was shot by a gun that fires pellets. He further confirmed that all of the ninety-nine (99) bodies, which were examined were based upon the Order of a Coroner; and that it was part of SEMU'S regular duty to pick up corpses and cadavers. The witness went on to explain that SEMU's duties extended beyond dropping the bodies of individuals that were unknown to them; but to also bring bodies from the mortuary to his department for autopsy and return them to the mortuary thereafter.

Mr. Enitan, SAN then requested the witness highlight where each of the ninety-nine (99) bodies were picked from as well as the cause of death (if any). The witness responded as follows:

- ENDSARS 001- unknown, the only female out of the 99, allegedly retrieved from Meiran and deposited on the 24th of October, 2020. Traumatic Asphyxia, it's someone being crushed to death, suffocating. It is believed that this was due to blunt force trauma.
- 002- Brought in from Ikotun Police Station, unknown, BID on 25th of October, Male, cause of death-severe bleeding into the left chest cavity due to gunshot injury.
- 003- Unknown, male, body recovered from Anthony BRT lane, brought on the 24th of October, 2020. Cause of Death—COD-severe blood loss due to multiple sharp force trauma.
- 004- Unknown, brought from Ado Rd, Ajah on the 24th October, C.O.D. - multiple injuries to abdominal organs, skull fractures, short gun injuries. 51 pellets were recovered.
- 005- Unknown, brought from Lekki Bridge on the 24th October, C.O.D. - bleeding into both sides of the chest due to blunt force trauma.
- 006- Unknown, recovered from Anisere, Ojota, brought in on the 24th, C.O.D. - severe blood loss with bleeding into both sides of the chest as a result of gunshot injuries that destroyed vessels in the armpit. Multiple pellets were recovered. Shotgun injury.
- 007-Muhammed Idris, allegedly recovered from Ikoyi Prisons, deposited by Nwaje Jonas of Nigerian Prisons on the 24th of October, 2020. C.O.D. - severe



blood loss due to severe damage to vessels on the left thigh, gunshot injury from a rifled weapon.

- 008- Unknown, allegedly died at Iyana Ipaja. BID-24th of October, 2020. Body was already undergoing severe decomposition, C.O.D. - unascertained. The deceased was also discovered to have suffered from hypertensive heart disease but that was ruled out as being the cause of death.
- 009- Festus Vincent, aged 29 years, Kirikiri-Prisons, he died on the 28th of October but the body was brought by Prison Officer on the 29th of October, 2020. skull fracture and damage to the brain due to blunt force trauma including features of left lobar pneumonia were found.
- 010- Insp. Adegbenro Aderibigbe, he died at Iyana Ekor. Body was from Meiran Police Station. He was deposited on the 23rd of October, 2020. The body was severely burnt, blunt force trauma.
- 011- Unknown male, brought in from Anisere, Ojota on the 24th of October, 2020. Severe skull and brain injury due to gunshot injury, from a rifled weapon. A metallic bullet fragment was retrieved.
- 012- Unknown, allegedly recovered from Iyana Ipaja Road, Xenox Bus Stop, brought in by SEMU. Body was severely burnt, in addition to showing decomposition. C.O.D. - unascertained.
- 013- Unknown Male, body allegedly recovered from Iyana Ekor, Meiran Police Station on the 23rd of October, 2020. Severe damage to the skull and brain with multiple sharp and blunt force trauma and shotgun injuries. 1 metallic pellet was recovered, while multiple pellet wounds were seen.
- 014- Unknown, allegedly from Fagba, Agege, brought in on the 23rd of October, 2020. C.O.D. - unascertained due to total incineration. We had evidence suggesting that tyres were put round the neck to aid the burning.
- 015- Unknown from Fagba, 23rd of October, 2020. Suffered severe skull and brain injuries due to multiple sharp and blunt force trauma. Body slightly charred and decomposed.
- 016- Unknown, from Fagba, brought on the 23rd of October, 2020 by SEMU. A penetrating metal through the neck was seen. He must have suffered airway damage with difficulty in breathing. Body charred.
- 017- Unknown allegedly recovered by SEMU from Oyingbo. Brought on the 23rd of October, 2020 with multiple injuries due to sharp and blunt force trauma with severe burns.

- 018- Unknown, allegedly recovered from Ketu. Deposited by SEMU on the 23rd of October, C.O.D. - multiple injuries due to combined sharp and blunt force trauma.
- 019 -Unknown, allegedly recovered by SEMU on the 23rd of October, 2020 at Fagba. Deceased suffered many slashes, fractured skull and bleeding into the chest cavity. It was concluded that it was a case of skull and brain injury with severe blood loss following sharp and blunt force trauma. A large part of the lower body was burnt.
- 020- Unknown, allegedly recovered by SEMU from Isolo on the 29th of October, C.O.D. - severe blood loss due to damaged major blood vessels on the right side following a penetrating injury to the chest.
- 021- Unknown, allegedly recovered by SEMU on the 23rd of October, 2020 from Ketu, C.O.D. - severe blood loss. The head did not come with the body.
- 022- Unknown, allegedly recovered by SEMU on the 23rd of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal incineration.
- 023- Unknown, allegedly recovered by SEMU on the 23rd of October, 2020 from Fagba. C.O.D. -unascertained.
- 024- Unknown, allegedly recovered by SEMU on the 23rd of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation. No pellets or bullets.
- 025- unknown, allegedly recovered by SEMU on the 23rd of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation. No pellets or bullets.
- 026- Unknown, allegedly recovered by SEMU on the 23rd of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation. No pellets or bullets seen. Death was attributed to multiple sharp and blunt force trauma.
- 027- Unknown, allegedly recovered by SEMU on the 23rd of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation. No pellets or bullets seen. Death was attributed to multiple sharp and blunt force trauma.
- 028- Unknown, allegedly recovered by SEMU on the 23rd of October, 2020 from Fagba. C.O.D. -unascertained with severe burns.
- 029- Unknown, allegedly recovered by SEMU on the 23rd of October, 2020 from Bosma Trauma Center at the toll gate around Ojota area. C.O.D. - asphyxia resulting from multiple fractures of the rib on the right side of the chest due to burnt force trauma.
- 030- Unknown, allegedly recovered by SEMU on the 23rd of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation. A metallic wire around the body was seen. This suggested that it was burnt with a tyre.



- 031- Unknown, allegedly recovered by SEMU on the 31st of October, 2020 from Fagba by SEMU. cThe body was just charred remains,. No internal organs. C.O.D. -unascertained.
- 032- Unknown; allegedly recovered by SEMU on the 22nd of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation.
- 033- Unknown, brought from Ikotun Police Officer on the 22nd of October, 2020. C.O.D. - severe blood loss due to disruption of blood vessels in the left thigh following gunshot injury, rifle weapon.
- 034- Michael Joseph allegedly from Ikoyi Prisons brought by an Officer from Ikoyi Prison on the 22nd of October, 2020. C.O.D. - Severe bleeding due to disruption of the heart and the left lung following gunshot injury from a rifle weapon.
- 035- Unknown, allegedly recovered by SEMU on the 22nd October, 2020 from Bariga. C.O.D. -severe bleeding following multiple injuries in the chest sequel to gunshot wound, rifle weapon.
- 036- Unknown, allegedly deposited by SEMU on the 22nd October, 2020 from Area 'F' Police Station, Ikeja. C.O.D. -bleeding to the left side of the chest following a penetrating gunshot injury. There were at least two shots. A bullet from the right shoulder area was recovered.
- 037- Unknown, brought from Ifako Police Station around Gbagada area. Body was deposited by SEMU on the 22nd of October, 2020. C.O.D. - massive bleeding into the abdominal cavity following damage to the main blood vessel supplying the body. This was sequel to gunshot injury from a rifled weapon.
- 038- Unknown, said to have died at General hospital, Mushin about 3:30pm on the 20th of October, 2020. It was deposited at Mainland mortuary at 7:19pm on the 21st of October by a Police Officer that accompanied the driver from the Mushin General Hospital. C.O.D. - massive bleeding into the abdomen and chest due to injuries to the chest and abdomen due to gunshot injury, rifled weapon.
- 039- Okinbaloye Adebayo, the address was listed as 27, Akin Ado Road, Ajah. Deceased was said to have died at Doren Specialist Hospital, Ajah and the body was brought by a relative on the 22nd of October, 2020. C.O.D. -severe blood loss due to damage to the main right blood vessel supplying the right heart following blunt force injury, rifled weapon.
- 040-unknown, allegedly brought from Olosan Mushin Police Station. He was found around 1:02am on the 22nd of October, 2020 and deposited by SEMU

at 12:48pm. Death was attributed to severe damage to skull and brain due to blunt force trauma.

- 041-Unknown, said to have died at Lekki. Taken to Reddington hospital at 1:15am and pronounced dead at 1:45am on the 21st before being taken to the Mainland hospital mortuary. C.O.D. -severe brain and skull injury due to blunt force trauma. No bullets or pellets found.
- 042- Unknown, allegedly brought from Denton Police Station, Ebute-Meta by a Police Officer named Insp. Ebi Iziegbe who said he was found on the ground at 9:15pm. Body was deposited on the 21st of October, 2020 at Mainland hospital mortuary at 9:31pm. C.O.D. - severe blood loss due to damage to blood vessel on the right side of the neck following gunshot injury from a rifled weapon.
- 043- Unknown from Denton Police Station was said to have been recovered at 9:15pm and deposited at Mainland hospital, Yaba at 9:33pm on the 21st of October, 2020 by Police Officer Ebi Iziegbe. C.O.D. - severe skull and brain injury caused by gunshot injury to the head, rifled weapon.
- 044- Unknown. The body was said to have been recovered at TVC compound, Ketu at 6:10pm on the 21st of October, 2020 and was deposited at Mainland hospital mortuary at 8:06pm by one Insp. Ita Akpan. C.O.D. -severe blood loss due to damage to chest vessels following gunshot injury, rifled weapon.
- 045- Unknown. Body was said to have been brought from Mushin Police Station, Olosan, deposited by SEMU. Deceased was said to have died on the 22nd of October, 2020 at 1:02pm. Death was due to massive injury to the abdomen, gunshot injury from a rifled weapon and some metallic objects (bullet fragments) were recovered from the abdomen.
- 046- Unknown Deceased was said to have been certified dead at Mushin General hospital at 3:30pm on the 20th of October, 2020 and brought to Mainland hospital mortuary on the 21st of October, 2020 at 7:21pm. C.O.D. - severe bleeding into the abdominal cavity following damage to abdominal blood vessels as a result of a stab wound to the abdomen.
- 047- Unknown, recovered at Ikotun Police Station on the 22nd October, 2020 at 2:10pm. The body was allegedly deposited by a Police Officer on the same day at 11:15pm. The cases from Ikotun Police Station have a history of an alleged fight by hoodlums and at the end of it people were found dead. C.O.D. - severe bleeding due to facial injury, multiple fractures as a result of gunshot injury, rifled weapon.



- 048- Abideen Animashaun Wasiu, allegedly from Kirikiri Prisons on the 22nd of October, 2020. Body was allegedly deposited at 1:49pm on the 23rd October, 2020 by one Insp. Jafaru Oshinda of Nigerian Prisons Service, Kirikiri. C.O.D. - massive bleeding into the abdomen following gunshot injury. Some metallic fragments were recovered at autopsy.
- 049- Unknown, allegedly from Ikotun Police Station. Deceased supposedly died at 2:10pm on the 22nd October, 2020 and deposited at 11:15pm. C.O.D. -severe blood loss due to disruption of the heart following gunshot injury, rifled weapon.
- 050- Unknown, from Ikotun Police Station. Body deposited on the 22nd October, 2020 at 11:15pm by the Police. C.O.D. - multiple chest and abdominal wound following gunshot injury, rifled weapons. A deformed bullet was recovered from muscles in the abdomen on the left side.
- 051- Unknown, from Ikotun Police Station. Body deposited on the 22nd October, 2020 at 11:15pm by the Police. C.O.D. -massive bleeding into the left chest cavity following the disruption of a major vessel on the left side of the lungs sequel to a gunshot injury, rifled weapon. a bullet in the lower neck/upper chest area was recovered.
- 052- Unknown, from Ikotun Police Station. Deposited at 11:15pm on the 22nd October, 2020. C.O.D. -severe blood loss due to damage to muscles on the right side of the chest as a result of gunshot injury, rifled weapon.
- 053- Samuel Ibrahim allegedly died at Shop 10, Randle Close, Surulere, Lagos. Body was brought by one Mr. Ojo Abiola, his boss at 5:51pm on the 21st October, 2020. C.O.D. -massive bleeding into the chest and abdomen due to multiple injuries in the chest and abdominal organs following gunshot injuries, rifled weapon.
- 054- Unknown, body was said to have been found at CMS by Anglican Church at about 6:30 am on the 22nd October, 2020 and was deposited at Mainland hospital at 8:45 am by Amekin Frank of Lion Building Police Station. Death was due to severe bleeding to chest cavity on the left due to disruption of the left lung and blood vessels following gunshot injury to the back, rifled weapon.
- 055- Unknown, allegedly recovered from Olosan Police Station and deposited at 1:12 am on the 21st October, 2020 by Sgt. Adebote Adeniyi from Olosan Police Station. C.O.D. -severe blood loss due to damage to the main blood vessel arising from the heart and damage to both lungs following gunshot injury, rifled weapon.

- 056- Unknown, body allegedly received from Ikotun Police Station and deposited at 11:15pm on the 22nd October, 2020 by a Police Officer from Ikotun Police Station. C.O.D. -severe bleeding following gunshot injuries to the chest and left upper limb. We have two gunshot wounds in this person, rifled weapon.
- 057- Unknown from Denton Police Station. Body was deposited by Insp. Ebi Iziegbe on the 21st at 9:29pm. COD- severe blood loss due to damage to the major blood vessel on the right side of the neck following gunshot injury, rifled weapon.
- 058- Unknown from Ikotun Police station, said to have died around 9pm. Body deposited at 11:15pm by a Police Officer. C.O.D. - severe injury to the skull and brain with disruption of major vessels in the neck sequel to gunshot injury, rifled weapon.
- 059-Unknown, allegedly died at Ilasan, Ajah about 9:45pm on the 20th of October and the body was deposited allegedly at 5pm on the 21st by Sgt. Samuel Okereke of Ilasan division. C.O.D. - Massive bleeding into the chest due to disruption of the chest and abdominal organs following a gunshot injury to the back, rifled weapon.
- 060- Unknown, was recovered from Mushin Police Station about 2pm on the 20th of October, 2020. It was deposited at 1:12am on the 21st October, 2020 by Sgt. Adebote Adeniyi of Olosan Police Station. C.O.D. - severe injury to the skull and brain due to blunt force trauma to the head.
- 061- Unknown from Olosan Police Station on the 20th October, 2020, 2020. Allegedly died at 2pm on the 20th of October, 2020 and deposited at Mainland mortuary by Sgt. Adebote Adeniyi at 1:12am on the 21st of October, 2020. C.O.D. - massive bleeding into the abdomen with disruption of the left limb following gunshot injury, rifled weapon.
- 062- Unknown was said to have been recovered at Lekki toll gate about 7:43pm on the 21st October, 2020 by SEMU. Death was due to severe blood loss following damage to the major vessel on the right side of the neck following gunshot injury, rifled weapon.
- 063- Awalu Muhammed, allegedly from the Nigerian Prisons, Ikoyi, was said to have died on the 23rd of October, 2020 and was brought to the mortuary at 2:39pm by Aguaje Jonas. Death was attributed to severe blood loss following a gunshot wound to the abdomen, rifled weapon.
- 064- Unknown, allegedly died at Ikoyi Prison on the 22nd October, 2020. Body was deposited at 8:10pm by Prison Officers. C.O.D. -severe blood loss



following damage to a big vessel on the right side of the lower abdomen sequel to gunshot injury, rifled weapon.

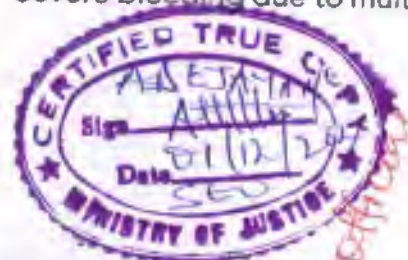
- 065- Unknown from Ikoyi Prisons, body was deposited at 8:07pm on the 22nd October, 2020 by an Officer from the Prison Service. Death was due to severe blood loss following damage to the major blood vessel in the heart as a result of gunshot injury to the heart, rifled weapon.
- 066- Unknown, from Ikoyi Prisons. Body deposited by Prison officials at 8:06pm on the 22nd October, 2020. The body came with a death certificate signed by one Dr. Nebu which was disregarded. C.O.D. - severe blood loss (severe bleeding into the abdominal cavity) following gunshot injury, rifled weapon.
- 067- Unknown from Ikoyi Prisons. Body deposited at 8:05pm by an Officer of the Nigerian Prisons. C.O.D. - severe blood loss due to disruption of the liver and right lung with bleeding into the right chest cavity as a result of gunshot injury, rifled weapon.
- 068- Christopher Francis, allegedly from Ikoyi Prisons was deposited by an Officer at 8:05pm on the 22nd of October, 2020. He was said to have died at 1:05pm as per the death certificate issued by Dr. Nebo. COD- severe blood loss due to damage to the chest blood vessels and the right lungs as a result of gunshot injury, rifled weapon. Two gunshots to the chest from the front and exiting at the back were noted.
- 069- Unknown from Ikoyi Prisons on the 22nd of October, 2020. The body was deposited at 8:05pm. C.O.D. - severe bleeding into the chest cavity and abdomen following damage to the chest and abdominal organs following gunshot injury to the back, rifled weapon. a bullet was recovered from the body.
- 070- Ifeanyi Nnabor from Ikoyi Prisons. Death occurred about 1:05pm and was deposited at Mainland mortuary at 8pm on the 22nd of October, 2020 by an Officer of Ikoyi Prisons. C.O.D. - severe blood loss due to disruption of main blood vessels in the chest as a result of gunshot injury, rifled weapon.
- 071- Amafidon Premi said to be Yoruba from Ikoyi Prisons was deposited at about 7:50pm on the 22nd October, 2020. C.O.D. - severe blood loss due to disruption of the liver and abdominal vessels following gunshot injury to the abdomen, rifled weapon.
- 072- Shola Raphael, Ikoyi Prisons allegedly died on the 22nd October, 2020. Body deposited at 7:50pm on the 22nd October, 2020. C.O.D. - severe blood loss due to disruption of major blood vessel in the right armpit as well as the lungs

following gunshot injury to the abdomen, rifled weapon. He also had sharp force trauma.

- 082- Unknown, brought in dead by SEMU officials at 6:25pm. The charred remains were brought in a body bag. Bit of the head and the spinal cord. Brought in on the 23rd of October, 2020.
- 083- Unknown, B.I.D. at 5:20am on the 22nd October, 2020. Deceased was said to have been shot at about 4:45am. The body was deposited at LASUTH morgue by ASP. Odenwa and ASP Oderinde. C.O.D. - severe bleeding due to disruption of major vessels in the left thigh and left leg due to multiple gunshot injury, rifled weapon. A bullet tip lodged in the left arm was recovered.
- 084- Okoronkwo Sylvester, aged 66years. He was operated on in LUTH, died and was said to have sustained gunshot injury to the abdomen around Tejuosho. He died at 4:24pm on the 21st October, 2020 in LUTH. His body was transferred to LASUTH. C.O.D. - severe blood loss following penetrating firearm injury.
- 085- Obianazu Okechukwu, 25 years old, was said to have been shot about 2pm on the 21st of October, 2020 at Mafoluku, Oshodi. Body was later taken at 9:59pm to Isolo General Hospital on the 21st October, 2020. C.O.D. -severe bleeding to the side of the chest following the disruption of a major vessel on the left side of the neck due to a penetrating sharp force trauma. These bodies had been stitched up by the morticians.
- 086 - Kufrey Victor Orok's body was said to have been recovered from Ilasamaja at 7:50pm on the 20th of October, 2020. C.O.D. -severe blood loss following multiple sharp force trauma.
- 087- Charles Otoo, said to have died at Akiode bus stop, Ojodu Berger, brought in on the 22nd of October, 2020 at 7:50pm. C.O.D. -severe blood and brain injury following gunshot injury to the head, rifled weapon. a bullet in the right part of the facial bone was recovered.
- 088- Nsute Antonaya was said to have died at Ebute Metta and was transferred to the mortuary at 1:54pm. C.O.D. - severe brain injury; a closed cerebral injury attributed to blunt force trauma.
- 089- Unknown was said to have died at General Hospital, Lagos, Odan at 4:23pm on the 23rd of October, 2020. C.O.D. - severe blood loss following a destruction of major blood vessels in the abdomen due to gunshot injury to the abdomen, rifled weapon.
- 090- Unknown was said to have died at General Hospital, Lagos, Odan at 9:49am on the 21st October, 2020 while receiving medical attention at the

surgical emergency in Lagos. C.O.D. - severe injury to the skull and brain attributed to blunt force trauma. He also had some slashes from a bladed weapon.

- 091- Olayiwola Malik, a 15 years old male brought in 9:48pm on the 21st of October, 2020. C.O.D. -severe bleeding in the abdominal cavity following disruption of blood vessels in the abdomen following gunshot wound to the abdomen by a rifled weapon.
- 092- Unknown from General Hospital, Lagos, Odan. He was taken to the surgical emergency and pronounced dead at 1:30pm on the 21st of October, 2020. C.O.D. - severe bleeding into the abdominal cavity due to damaged major blood vessel following gunshot injury, rifled weapon.
- 093- Unknown, allegedly recovered from Oko Oba area, Ikorodu brought in the 24th of October, 2020 by ASP. Adeyemi Adewale and deposited at Ikorodu General hospital at 3:15pm. C.O.D. - severe bleeding into the abdomen as a result of gunshot injury, most likely a rifled weapon.
- 094- Unknown, allegedly recovered from Ikorodu and deposited at Ikorodu General Hospital at 9:36pm on the 23rd October, 2020 by ASP. Poikuyi. C.O.D. - severe blood loss due to damage to blood vessels in the chest, the liver and the abdomen, rifled weapon.
- 095- Unknown, brought from Ikorodu General Hospital by Sgt. Jack Jeremiah at 10:29pm on 23rd October, 2020. C.O.D. - multiple injuries due to a combination of sharp force and short gun injuries. Twenty – Six (26) metallic pellets and 2 plastic walls were recovered.
- 096- Chinedu Aloy was said to have been deposited at Ikorodu General Hospital at 9am on the 22nd of October, 2020 by one ASP. Morris. C.O.D. - severe bleeding due to disruption of the abdominal organs following gunshot injuries, rifled weapon.
- 097-Unknown was allegedly recovered from Ikorodu on the 22nd of October, 2020 at 1:55pm. C.O.D. - severe skull and brain injury following sharp and blunt force trauma.
- 098- Phillip Obiekube was brought to Ikorodu General Hospital at 6:45pm on the 20th of October, 2020. C.O.D. -severe bleeding into the left chest cavity and the abdomen due to short gun injuries to the chest and abdomen. We recovered some pellets.
- 099- Unknown, recovered on the 24th of October, 2020 at Ado Road, Ajah at 5:38pm and brought by SEMU. C.O.D. - Severe bleeding due to multiple sharp force trauma.



After listing and stating the causes of death of the ninety-nine bodies, the witness confirmed that only the body tagged ENDSARS/YABA/2020/062 out of the entire ninety-nine (99) was from the Lekki toll gate. He also confirmed that the deceased had a gun shot on the 21st of October, 2020 by the reports; while the others were reported to have happened at Ikoyi Prisons, Ikotun Police Station, Ojota, Bariga, Ikeja, Ajah, Ifako, Mushin, Denton, Ketu, Kirikiri, SARS Ikeja, Fagba, Tejuosho and Lagos Island respectively.

The witness also confirmed that the victims who died at Fagba died as a result of a dispute that led to their incineration. He further confirmed that his department discountenanced the medical certificates that were attached to the corpses when they were brought to the Office of the Chief Medical Examiner. He went on to explain that the reason for discountenancing the certificates was because they got a request for medico-legal examination. Consequently, the opinion on those certificates became null and void. He however noted that he did not consider it appropriate to write a death certificate without a time of death or writing 'Unknown' on the death certificate. He insisted that a name had to be written there. Lastly, he stated that the medico-legal autopsy report superceded any other medical certificate issued prior to when the autopsy was conducted.

Cross Examination of Professor Obafunwa by ASP Emmanuel Eze on Behalf of the Nigeria Police Force.

When asked how many of the bodies recovered were Police Officers, the witness responded by stating that his records suggested that five (5) were Policemen. However, only one (1) was identified for release. He mentioned the released Officer's name as Insp. Adegbenro Aderibigbe, while others were unknown. When ASP Emmanuel Eze suggested that virtually all the people that were killed at Fagba were Police Officer, due to the fact that they were burnt while some had tyres around their necks, the witness responded that their identities were unknown until an identification was done. Only then would each body be given a name, As such, he could not state that they were Police Officers.

Cross-Examination of Professor Obafunwa by Mrs Amanda Asagba on behalf of the Nigerian Bar Association.

The witness informed the Panel that he has been working with the Lagos State Government for about sixteen and a half years. He stated the departments in which he had worked as The Lagos State University, medical school, LASUTH, that he had been in charge of coroner services until 2007, when he was appointed as the Chief Medical Examiner and the Vice Chancellor of the Lagos State University (LASU). At the moment, he was back to working in his department.

The witness went on to explain that the procedure for taking in corpses at the mortuary. He stated that a person could die at home, in a ward or on the road after which his corpse is moved to the mortuary. In such situations, his department need not be involved in the removal of the corpse. He however noted that in circumstances where someone was murdered in a place, his department will have to be informed prior to the corpse being moved from the scene. This was to ensure that the scene was secured for the purposes of determining the time of death. In that situation, he would have to supervise the removal of the body from the scene in a particular way for the purposes of answering medico-legal questions, reconstructing the event, studying blood spatter pattern, struggle and even for the purposes of advising the crime scene officers. The witness gave the example of a person who is suspected to have died of unnatural causes or was hacked to death in the woods.

Professor Obafunwa went on to explain that his department made no effort in getting to the scene of the Lekki incident as they were not invited there. He noted that the Police ought to have invited or informed the Coroner. However, what happened at the scene was that bodies were moved from place to place. When asked to describe the scenario of the Lekki incident, he noted that Nigeria was a funny country in which things did not operate as they would in other countries. Also, those things could have been handled in a better way.

When asked to describe the ideal procedure in which his department is involved, the witness responded by stating that his job as a forensic pathologist was not strictly limited to the autopsy room. Rather, it starts from the scene and would form the basis for his ability to answer medico-legal questions, which would arise in Court. He stated that in an ideal situation, the scene is cordoned off before the team of crime officers and forensic medico-legal team are invited to the scene during which the position of the body, objects at the crime scene, general observation of the scene, determination as to whether the scene had been altered or tampered with and so on are observed and noted. He stated that the purposes of the autopsy reports were simply to tell how the death came about. It also afforded the opportunity of retrieving bullet fragments and pellets which were kept with the hope that they could undergo ballistics tests. However, there is a limit to the questions that can be answered from the autopsy reports without the forensic pathologist being at the scene in the first instance. He gave the example that although a forensic pathologist could make findings in respect of where a victim was shot, however, findings could not be made as to the locus or whether or not bullet shells were present or absent. He re-emphasized that his job as a forensic pathologist required him to be at the scene of the incident. He noted that his team was at the scenes of the Synagogue and Dana airlines crash incidents. Further, that he would under normal circumstances not come to present autopsy reports with names of victims unknown.



In identifying the corpses of victims, the witness said that samples from three (3) categories of relations to wit: parents, siblings and children would be collected, while samples from the cases are also collected during autopsy. The profiles of the samples collected are then compared with that of the victim in order to determine the exact person who died. Additionally, ballistics test had still not been done. Consequently, the absence of these two tests makes the report incomplete.

Professor Obafunwa explained that there was a standard operating procedure (S.O.P.) for receiving bodies at the point of inception at the mortuary. He explained that the serial number, date, time, name of the deceased, the person depositing the corpse, address of the deceased, name of designated Next-of-Kin, phone number and provisional cause of death had to be entered into a register prior to the corpse being admitted into the mortuary. Effectively, a form stating "please accept this body in the morgue" had to be filled from the medical emergency section.

He further explained that there were two (2) relevant forms for bodies coming from the emergency department to the mortuary. The first (1st) form in which "coroner's case" was written at the top is used where the case is one for the Coroner; the second (2nd) form is filled where the Coroner is not required. He explained that these forms were filled to advise the person receiving the corpse at the mortuary of the category the corpse belonged to and for purposes of determining if an autopsy would be done, the date it was done, the person collecting the death certificate, address and other details. Furthermore, personal effects found on the corpse would be released to the family members where it is not a medico-legal case. However where it is a medico-legal case, the personal properties would have to be documented instead.

If it is not a Coroner's case, it is filled there so that the person receiving it at the mortuary will know what category it belongs to and if an autopsy is going to be done, the date it was done, the person who is collecting the death certificate, the address and all those details. If you have personal items like neck chain and the likes, if it is not a medico-legal case, you can remove everything and give them to the family but if it is, you leave everything there because they will be documented. Basically these are the things to be done when receiving a body from the mortuary.

When asked how failure to follow these procedures could possibly affect his job, the witness explained that his department would not inquire/meddle into how things were done at the mortuary because they are independent. However, where a case which is medico-legal is moved to the mortuary or the body was not properly moved, it could create problems in which medico-legal questions were capable of being unanswered and capable of negatively affecting their job. This, he explained was why his department insists that the Police call them in certain situations.

The witness explained that the staff of the mortuary had no control over the failure of staff of the mortuary taking down necessary information. He gave the example of the entry in Exhibit I which noted that the body was B.I.D. by SEMU with one Dr. Nifemi also noting that the corpse was B.I.D., transferred to morgue. He further explained that it was not uncommon for doctors failing to pay attention to very important things. As such, none of the doctors noted any date and time. The only entry as to date and time were by one Abimbola Sheriff which he suspected, might have been his personal record.

Professor Obafunwa emphasized that it was the job of SEMU to pick bodies on the streets or wherever and move them to a hospital. He explained that the body had to first get to the emergency department of the hospital for registration of the body before it is taken to the mortuary. He also advised that where a body is seen on the street, it was advisable to call the Police instead, provided one would not be accused of being responsible for the death.

He also advised that in a situation where a person involved in an accident is being rushed to the hospital but dies along the way, the body is to be taken to the surgical emergency department where information will first be taken and the Police also invited.

When Mrs. Asagba queried why there were seventy-six (76) unknown bodies at autopsy when the witness had insisted that the bodies ought to be taken to the medical emergency department first for registration and documentation, Professor Obafunwa explained that SEMU allegedly found the bodies, took them to the hospital emergency department after which they were eventually moved to the morgue. He noted that it was the job of SEMU except one wished to query the accuracy of the information they provided. He further noted that he would naturally not expect any of the bodies to be tagged unknown as some were allegedly brought from the Prison to the medical emergency. Lastly, that while bodies picked up on the street may or may not be unknown; those coming from institutions like the Prisons ought not to be unknown.

In respect of matching the fifteen (15) bodies whose families have shown up, the witness explained that samples could not be sent piecemeal. He noted that thirty (30) of forty (40) would need to be obtained before they could be shipped before profiles can be obtained on them. He further noted that the samples could not be shipped until an Order to commence that aspect of the exercise was given. At the instant time, they were yet to receive such Order. He confirmed that as at the time of Hearing, no sample had been matched.



Reacting to concerns about the names of depositors who recovered the bodies being missing and the possibility of the mislabeling the location where the corpses were found, the witness stated that SEMU was a known body. And that the name of the depositor could not be said to be unknown as the name of the person who led the team is known. The only exception to this was where the body was not deposited by SEMU. He emphasized that matching the DNA samples would easily solve the issue of the identification of the bodies in order to avoid a case of mass burial. At this point, the Lekki investigation in relation to the evidence of Professor Obafunwa was consequently adjourned sine die.

At the resumed Hearing on the 18th of September, 2021 the witness noted that the scene of death ought to have been cordoned off in order for medico-legal investigation to start, even before the removal of the body. He however noted the possibility of another forensic unit being invited instead. He also bemoaned the fact that the bodies had been embalmed and wounds sutured; thereby making certain interpretations a bit difficult even though they were able to determine exit wounds. He indicated that there was a particular law which provided against the tampering of bodies. Although they did not like that the bodies had been tampered with, they had to deal with what they were presented with.

The witness reiterated that although DNA samples had to be taken from all corpses during autopsy, samples still had to be obtained from people who felt they had lost a family member before the samples would be compared and determined. However, while only fifteen (15) families had come forward for sample collection, no shipment of the samples to a DNA lab has been done. He informed the Panel that no DNA tests had been done because the appropriate authorities are yet to release the funds required to conduct the tests. Further, without an order to send the samples, they could not be done. The state government had always paid for the tests in the past. The witness refused to speculate as to the lifespan of the reference samples. He noted that he could only assume that they would still be viable as they were cell scrapings. Only the laboratory could if they could retrieve DNA materials. He further noted that he would advise that the DNA tests be conducted quickly due to the fact that it has been almost a year since they were taken and stored in the freezer as well as the intermittent power failure. He bemoaned the fact that if care was not taken, decomposition might affect their viability; especially as his department has not had light (power supply) for over a week. He informed the Panel that his department had advised the State Government both formally and informally. He also informed the Panel that while there was a risk of being unable to identify the corpses if the DNA tests were not performed timeously, there however was a chance of succeeding at it. Lastly, Professor Obafunwa noted that he was not in a position to tell whether or not the Panel would be carrying out its fact-finding assignment in error without the DNA

results and identification of the bodies. He stated that all he was required to do was present information as to what his department had.

At this point, Professor John Obafunwa was discharged from further proceedings in respect of the investigation into the Lekki Toll-Gate incident.

SUMMONS ISSUED ON GRANDVILLE HOSPITAL.

Appearances Entered:

Mrs. Ophelia Ama Emenike for Grandville Trauma Center.

Mr. Olumide Fusika, SAN with Rabiat Fawehinmi Morakinyo for for named #EndSARS protesters.

Mr. J. Owonikoko, SAN with Olukayode Enitan, SAN, Jerry Briggs, J. Tony and Y. Olabode for the Lagos State Government.

Mr. Rotimi Seriki with Mr. Akin Elègbede for Lekki Concession Company Limited.

Mr. J. I. Eboseremen with Emmanuel Eze and Julio Hodonu for the Nigeria Police Force.

Mr. Ayo Ademiluyi, holding the brief of Mr. Adeshina Ogunlana for named #endSARS protesters.

Mr. A.C. Eze for the Nigerian Bar Association (NBA).

Jonathan Ogunsanya, Counsel to the Panel.

The witness affirmed that he speaks English language.

EVIDENCE-IN-CHIEF OF DR. AROMOLATE AYOBAMI, MEDICAL DIRECTOR OF GRANDVILLE TRAUMA CENTER.

The witness informed the Panel that his name was Dr. Aromolate Ayobami, a Plastic Surgeon as well as the Medical Director of Grandville Trauma Center. He also informed the Panel that he was before the Panel to give evidence of his hospital's involvement during period of the #EndSARS protest. He further informed the Panel that his facility attended to and discharged a total of fifteen (15) patients. He noted that the facility got four (4) referrals from Vedic Life Healthcare, Seven (7) cases from Reddington Hospital and two cases from Doreen Hospital.

He noted that the patient from Doreen Hospital, one Ivoro Theophilus, 38 year old male suffered a gunshot injury to the lower limb. He subsequently had an x-splint and metal splint applied to reposition the broken bone. In addition, one Adamu Hassan Yunusa, a 27year old male, who was referred from Vedic Hospital sustained a gunshot to the elbow while one Mr. Nicholas Okpe, a forty-three (43) year old male suffered a gunshot injury to the chest. He indicated that a chest tube, which was a drain that allows air and blood come out was passed into the patient before he was transferred to the Lagos State University Teaching Hospital (LASUTH).



He indicated that one Enokela Harrison John, a twenty-eight (28) year old male was assaulted. Further, that although he was brought in with the #EndSARS protesters, he was not part of them. He was however placed in the Intensive Care Unit (ICU) and subsequently managed as part of the casualties. Additionally, one Mr. Ogbonna Emmanuel, a twenty-year old male who presented with a gunshot injury to the thigh and fracture of the femur was X-fix and was discharged. Twenty-three (23) year old Olalekan Faleye, Male also presented with a gunshot injury to the leg. He was taken to the theater for vascular ligation, where one of the blood vessels had to be tied in order to prevent the patient from bleeding to death and save his life. He was subsequently given five (5) pints of blood and then referred to the National Orthopedic Hospital, Igbobi, Lagos where he had the limb amputated.

Also, Asue Rolan Thomas, a 20 year old male who was referred from Reddington Hospital presented with multiple injuries secondary to physical assaults. He informed medical personnel that he had been assaulted by soldiers. The witness noted that he was admitted to the intensive care unit when he became unconscious but was subsequently discharged. Mr. Joshua James a Thirty-Two year old was also transferred from Doreen Hospital. He presented with a gunshot injury to the left thigh. He was given multiple dressing and discharged with follow up dressing. Mr. Patrick Ukala, twenty-two (22) year old who had been referred from Reddington Hospital also presented with a gunshot injury to the forearm. An x-ray was done and he was discharged with a follow-up wound dressing.

Solomon Hagee a Thirty-Eight (38) year old who was also referred from Reddington Hospital presented with a gunshot injury to the left shoulder. He had an X-ray done and was subsequently discharged. Samuel Ashola Thirty (30) year old was referred from Reddington Hospital with a superficial laceration, secondary to gunshot grazing of the skin to the left thigh. His wound was dressed and he was discharged.

Avwerogoh Trust, a thirty-four (34) year old male who presented with a gunshot injury to the left hip had multiple dressings and an x-ray done before being discharged. Mr. Olamide Dauda aged twenty-one (21) sustained laceration to the right Hercules tendon and multiple laceration. He noted that the Hercules tendon was repaired and the patient put on Plaster of Paris (P.o.P.) before being discharged. He indicated that Respect Matthew, twenty-two (22) year old male presented with a gunshot injury to the right butt. He had been referred from Vedic Hospital. An x-ray was done, wound dressed and was discharged. Lastly, Mr. Paul Femi presented with a laceration secondary to superficial gunshot grazing on the head. He had multiple wound dressing before being discharged.

The witness informed the Panel that the Grandville Trauma Center is located at Plot 004, Eleganza Shopping Mall, Opposite Victoria Garden City, Lekki, Lagos. He tendered Grandville Trauma and Emergency Center summary of #EndSARS patients

Cross-Examination of Dr. Aromolate Ayobami by Mr. Olumide-Fusika, SAN.
When asked who paid for the services rendered by the defendant,

He clarified that the government was not the 'public' that provided funds, although the government promised the pay. He recalled that during the protest, he was in constant communication with the Lagos State Commissioner for Health. He noted that during one of the conversations, he called the attention of the Commissioner to the plight of one of the patients who had been amputated and required blood. However, due to the presence of broken bottles on the road, the required blood could not get to the facility from Victoria Island. In the end, a blood bank in Ajah was able to deliver a pint of blood while two (2) of his staff donated two (2) pints.

The matter did not come up again for Further Hearing until the 14th of August, 2021 when Dr. Aromolate appeared before the Panel and was reminded of his oath.

Cross-Examination of Dr. Aromolate by Mr. Ogunlana.
When asked if his medical facilities were

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injuries, including gunshot injuries. He noted that while some patients were bruised others had contusion or concussions.

He reiterated that his name was Dr. Aromolate and confirmed that he treated a patient named Nicholas Okpe and Olamilekan Faleye. When asked if he also treated one Ukala Patrick Ayide, the witness indicated that the records showed that he treated one Patrick Ukpolo for gunshot injury to the right forearm and confirmed that the witness had been referred from Reddington Hospital.

Cross-Examination of Dr. Aromolate Ayobami by Mr. Ebozeremen

The witness confirmed that when the patients presented at the hospital, they narrated what happened to the medical personnel after they were asked questions and that the documents he tendered before the Panel equally stated what the patients informed them. He however noted that they were primarily interested in the medical information. He indicated that he did not ask if they were shot by the Police as it was not part of their medical records.

Cross-Examination of Dr. Aromolate Ayobami by Mr. Ogunsanya

The witness was only asked to confirm that Exhibit A (case notes) were part of the records he submitted to the Panel as evidence. In response, he answered in the affirmative.

Cross-Examination of Dr. Aromolate by Mr. Seriki.

The cross-examination began with the witness stating that he became a medical doctor in 2004. He is a Fellow, which means that he is a specialist in Plastic Surgery. He has been the managing director of Grandville for about 7-8 years. He noted that during those years, he had treated patients with gunshot injuries prior to the 20th of October, 2020; although he couldn't remember the number he has treated so far. He further noted that his hospital was located opposite the Victoria Garden City (V.G.C.), Ajah area.

He confirmed that he was familiar with the Lekki toll-gate after Oriental Hotel and that between the toll gate and the location of his hospital, several junctions controlled by traffic lights would be passed. He explained that gunshot wounds would not necessarily involve loss of blood, for example, where it was just a graze. However, in a situation where the bullet penetrates, there will be loss of blood.

He informed the Panel that on the 20th of October, 2020 his hospital's records indicate that fifteen (15) patients with gunshot wounds were brought to his hospital. While none of the patients suffered grazing gunshot wounds, one involved laceration which he explained were cuts on his body and could not be attributable to a gunshot. He confirmed that a person with a gunshot wound or injury ought to be taken to the nearest hospital in order to save his life. However, this was not applicable in all cases

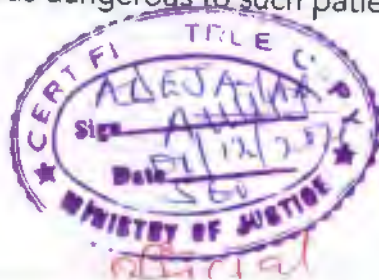
as it would depend on the part of the body that was shot. For example if it is at the tip of the finger, it will not be prioritized. The speed of the treatment will depend on whether vital organs were involved. Those with wounds that involve vital organs are to be taken to the nearest hospital. He also confirmed that he was aware that there were several other hospitals between Lekki toll gate and his hospital. He reiterated that of all the patients who were referred, six (6) of them were referred by Reddington hospital, although he did not know which branch of the hospital referred them. He noted that he was aware that Reddington hospital operated from different locations in Lagos. He indicated the patients were all brought in by an ambulance, although he couldn't identify the hospital where each came from because he did not take note of that. Lastly, he confirmed that none of the patients were brought in unconscious; neither did he extract any bullet in the course of his treatment of the patients with gunshot injuries.

Cross-Examination of Dr. Aromolate by Mr. A.J. Owonikoko, SAN.

The witness confirmed that his facility handled six (6) referrals from Reddington Hospital and that the referrals were contained in the documents which were admitted as Exhibit A before the Panel. When asked if any of the patients referred from Reddington had instruments of referral, the witness noted that while he could see those from other hospitals, he could not confirm any letter heads from Reddington. He also confirmed that the facility he manages was a trauma center and that trauma injuries were not restricted to gunshots. He indicated that the determination of the nature of trauma was a combination of physical examination as well as investigations such as x-rays, MRI's and C.T. scan if need be. He agreed that there was a requirement for primary and secondary survey where a person presents with a gunshot injury. He confirmed that the primary survey consisted of A, B, C, D and E respectively. The alphabets represented the following:

- A- Airway.
- B- Breathing
- C- Circulation
- D- Determining whether there is disability.
- E- Exposure.

He informed the Panel that both facilities (Grandville Trauma Center and Reddington) ought to perform the primary survey on the six (6) patients whom he believed presented at his facility from Reddington. He confirmed that his facility gave the patients the benefit of the primary survey. He also confirmed that after the primary survey, a secondary survey ought to be conducted. The witness explained that the secondary survey involved assessing and /or detecting if the patient had any other injury he might not even know about or that was dangerous to such patient.



The witness concurred that Nicholas Okpe, Ukala Patrick, Samuel Ashola and Solomon Samuel Agee were amongst the six (6) patients that were referred from Reddington. Others were Emmanuel Ogbonna and Asue Roland. He noted that at the time the patients presented, the facility did not have x-ray, CT-scan and MRI machines. When asked if any of the six (6) patients underwent a CT scan or MRI, the witness indicated that Samuel Ashola had an x-ray of the left thigh done, Solomon Agee underwent an x-ray of the left shoulder, Patrick Ukala did an x-ray of the right shoulder, Asue Roland had an x-ray of the skull done while Emmanuel Ogbonna had x-ray of the right leg done. Nicholas Okpe underwent an x-ray and CT scan of the chest respectively while Anukela Harryson Johnson had CT scan of the head and chest as well.

The witness informed the Panel that the X-ray of the patients were conducted outside his facility. He went on to confirm that the assessment of Solomon Samuel's wounds at his facility was that he suffered a gunshot injury to the shoulder. In addition, he noted that no bullet was extracted from any of the patients. He agreed that the purpose of an x-ray was to determine the extent of injury or foreign body in a patient. After the patient was made to read paragraphs 3 and 4 of Samuel Agee's medical report, he confirmed that the X-ray showed the absence of bone fracture, even though he confirmed that the patient suffered a gunshot wound in which no bullet was extracted. When asked for a medical explanation for this, the witness explained that there were different types of gunshot injuries, depending on the type of gun used. He noted that they are classified as low and high velocity and that the local or shot-guns had multiple pellets which could be extracted where they were close to the skin/superficial. However, in respect of missiles it may run through the body, and exit it, there may be a track. Even with an X-ray, nothing with the exception of swelling or damage to tissues would be found.

Dr. Aromolate explained that the characteristics of a high velocity gunshot were its speed, and the extensive damage done to the internal structure. However, he did not know if a high velocity bullet was consistent with military grade weapons or that Solomon Agee was shot with high or low velocity ammunition. He indicated that only an entry wound was observed on the patient upon examination. When asked if he could conclude that the victim suffered a gunshot injury without being able to locate an exit wound and if it were consistent with the x-ray, the witness noted that a clinical diagnosis could be done as the exit wound might be so tiny that it might not be seen. When asked if he would be able to determine the type of impact a high or low velocity could make, the witness responded in the affirmative as there are other things to consider. He could not also tell if the seven (7) patients were struck by high or low velocity bullet. He agreed that a Pathologist and forensic Ballistician ought to be able to make such diagnosis in order to assist the Panel. However, he could not confirm if a highly experienced military could assist the panel in making the determination.

On Mr. Samuel Ashola's medical report, the witness indicated that the nature of the injury his facility assessed was laceration to the thigh (skin). He confirmed that it was consistent with a gunshot injury; specifically grazing to the skin. He also confirmed that the witness was brought to his facility at about 12:15am on the 21st of October, 2020 from Reddington Hospital. He concluded that the victim specifically suffered grazing to the skin from the information supplied by the patient and his examination. He noted that his conclusion was based partly on the information obtained from the patient.

The witness confirmed that the patients presented at his facility in a conscious state, and that they all gave some history as to how their injuries were sustained. He confirmed that a patient's account of what transpired did not form part of his medical decision. His medical decision was formed upon his examination. He noted that his facility would not have access to the case notes or the previous history of treatment from the referring hospital. The witness disagreed that standard practice required him to have the case note before admitting a patient who was already being treated. He explained that where the patient was coming in as an emergency case, the priority was to save life. Every other thing was secondary.

When asked how an emergency and referral case was differentiated, the witness explained that there was a terminology known as 'spill over'. This referred to a situation where a line is passed and transferred to another hospital if there was inadequate space from the referring hospital. The witness confirmed that in the case of the seven (7) patients, he went beyond the primary to the secondary survey when he took the patient's medical history and so on. He considered medical history, He did not require their medical backgrounds. He checked for allergies, he confirmed the last meal they had eaten to determine the safety of medicines to be administered. These procedures, the witness indicated were not followed in cases of an emergency. Standard operating procedures would only be followed when the patient had been stabilized. Upon stabilization after emergency, the normal cause of treatment follows. At this point, the witness was discharged from further attendance in respect of the incident of 20th October, 2020 as it relates to Grandville Trauma Center.

SUMMONS ISSUED ON THE LAGOS STATE HEAD OF SERVICE.

Appearances Entered:

Mr. J. Owonikoko, SAN with Olukayode Enitan, SAN, Jerry Briggs, J. Tony and Y. Olabode for the Lagos State Government.

Mr. Olumide Fusika, SAN with O. Obilade for named #EndSARS protesters.

Mr. Adeshina Ogunlana with Mr. Ayo Ademiluyi for named #EndSARS protesters.



Mr. Rotimi Seriki with Mr. Akin Elegbede and Toyin Abidoye for Lekki Concession Company Limited.

Mr. Cyril Ajifor with J. I. Eboseremen and Emmanuel Eze for the Nigeria Police Force.

Mr. Bernard Oniga with Mr. A. C. Eze for the Nigerian Bar Association.

Jonathan Ogunsanya, Counsel to the Panel.

PRELIMINARY MATTERS

When the Chairperson informed the public of the presence of Mr. Hakeem Muri-Okunola, Lagos State Head of Service for the purpose of testifying in respect of the Lekki incident of 20th October, 2020, Mr. Ogunlana noted that he had no objection, even though it was the Governor of Lagos State that was subpoenaed. Responding, Mr. Owonikoko, SAN noted it was the Head of Service that was subpoenaed by the Panel. Further, Section 308 of the 1999 Constitution of the Federal Republic of Nigeria (As Amended); forecloses the ability of the Panel to 'kidnap' a Governor. Lastly, they were unaware of any summons issued on the Governor. Mr. Seriki on his part, aligned himself with the submission of Mr. Owonikoko, SAN.

The Panel however stated that it would accept the Head of Service as representing the Lagos State Government on the ground that the Governor cannot appear before the Panel according to Section 308 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended).

At this point, Mr. Ogunlana observed that the witness ought to be led by the Counsel to the Panel since he was summoned by the Panel. When asked by the Panel if he was accompanied by his own Counsel for the purposes of his appearance at the Panel, the witness informed the Panel that Mr. Owonikoko, SAN and Mr. Enitan, SAN respectively were his Counsel. Consequent to this statement, the Panel ruled that the witness would be led by the Counsel of his own choice.

EXAMINATION-IN-CHIEF OF MR. HAKEEM MURI- OKUNOLA ON BEHALF OF THE LAGOS STATE GOVERNMENT, ON THE 22ND OF JUNE, 2021.

The witness began by introducing himself as Hakeem Olayinka Muri-Okunola, the Head of Service, Lagos State. He then confirmed that he was in receipt of a witness summons to appear before the Panel on that day and the summons was with him. In the absence of any objections, the Summons issued by the Judicial Panel to Mr. Hakeem Muri-Okunola, Head of Service, Lagos State dated 15th June, 2021 was admitted and marked as Exhibit A.

He informed the Panel that the schedule of duties of the Head of Service included being responsible for the general administration of functions of public servants in the employment of Lagos State, such as their deployment, welfare, career progression, disciplinary matters and other matters related to the general administration of functions of government. He explained that he also represents the public service and Civil Servants in the Executive Council. He indicated that he is a member of the Executive Council of the Lagos State Government.

In respect of the summons which was served on him, the witness explained that he was at the Panel to give oral, documentary and visual evidence in respect of the incident which occurred at the Lekki toll gate, now known as the #EndSARS protest. He noted that he had the documentary and visual parts of the evidence on a flash drive. In the absence of objections, the unmarked Vivatech flash drive was admitted and marked as Exhibit B. Mr. Owonikoko SAN then sought to have the contents of the flash drive played before the Panel. While granting the permission, the Chairperson informed the witness that the Panel would like to hear him as he took them through the presentation.

The witness began by introducing what the #EndSARS Protest meant to the State Government at the time. He noted that it represented a decentralized social movement which was seeking the disbandment of the Special Anti-Robbery Squad (SARS) unit of the Nigeria Police Force because it had gained notoriety for series of brutalities and abuses.

He informed the Panel of the sequence in which the Panel would be taken through in his evidence as beginning with the protest itself, subsequent National Economic Meeting, the Security Council meeting, the State Executive Council meeting, the hijack of the protest, the famous incident of 20th October and its aftermath. He also indicated that he would take the Panel through some of the behavioral patterns and behaviors that were exhibited by some of the people who hijacked the protest, lessons learnt from the protest by the government as well as recommendations from those lessons.

He began by explaining how on the 8th of October, 2020 a Nationwide Protest began after weeks of outrage and anger from videos and pictures showing Police brutality, harassment and extortion in Nigeria by Officers of the Special Anti-Robbery Squad (SARS) of the Nigeria Police Force or men dressed in outfits which depicted how the squad usually dressed/looked. He noted that in Lagos, there were congregations of protesters at two major points, to wit: the gateway to the eastern zone of Lagos which was the Lekki toll gate (TP1) and the seat of government, the Lagos House, Alausa, Ikeja.



He explained that different escalation points usually occurred whenever protesters gathered at the government house. Further, that staff and government functionaries would also enter into dialogues with such protesters while there. In the instant case however, although the dialogues made no difference they were provided with food and drinks while the protesters themselves also brought their own refreshments to the scene of the protest.

With the protesters insisting that they were not going to dialogue with any government functionary with the exception of Mr. Governor or his deputy, Dr. Kadri Hamzat. The Deputy Governor of Lagos State on the 9th of October, 2020 approached and entered into a dialogue with the protesters who were converged at the Lagos House. He noted that Mr. Deputy Governor advised them as to their rights and its extent while appealing to them to peacefully demonstrate without causing unrest. He noted the deputy governor encouraged them to avoid unruly behavior. He described the dialogue to being akin to one between a political head and young individuals who knew their rights. He noted that the Deputy Governor also associated with the same rights. By 11th October, 2020, the protesters had reduced their demands into a formal document with five (5) demands to the Federal Government, specifically addressed to President Muhammadu Buhari. This document, he indicated came to be known as the "5 for 5".

It was the evidence of the witness that Lagos State Governor, Mr. Babajide Sanwo-Olu visited the toll gate on the 12th of October, 2020 to address, associate and identify with the protesters who had converged there. Mr. Governor went on to appeal to them as a father and leader respectfully by acknowledging the viability of their rights which were rights that he, the Government and People of Lagos State also associated with, while appealing for calm. He went on to inform them that he had spoken with the then Inspector-General of Police, Muhammadu Adamu in order to outline the position of the State on the proposed Police reforms as well as the State's association with the 5 for 5 demand. Lastly, he informed the gathering that he would personally take their requests to the President for the purpose of telling him about their intents.

He informed the Panel that the visit unfortunately became unruly as elements that were out to cause division and destruction had infiltrated the 'laudable' protesters. He noted that those elements he referred to, were the ones in the pictures and videos he would be showing. The said persons began throwing objects at the Governor and it became a nightmare for the security personnel as they became helpless. He explained that there was very little they could do to calm their nerves. As a matter of fact, the Deputy Governor also got man-handled during the said visit.

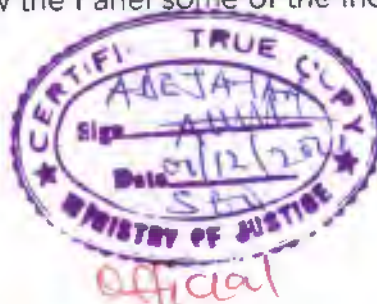
By the 13th of October, 2020 Mr. Governor also visited the protesters who had converged at the Lagos House, Alausa, Ikeja. Like the situation at Lekki, the midst of

the protesters had also been infiltrated. He explained that the visit was a mixture of serious dialogue, comedy and chants. The witness noted that certain persons who were intent on causing violence began to aim pure water sachets and other things at the Governor. He recalled that it was also at this point that the song titled 'Fem' grew in popularity when the Governor was being told to shut up. Despite this, the Governor proceeded to the airport immediately after leaving the scene in order to meet the President with the '5 for 5' demand booklet that had been given to him by the protesters. The witness explained that the presentation of the demands by the Governor prompted the statement which was released by the spokesman to the President, Mr. Femi Adeshina who announced that the President had agreed to the demands of the protesters. At this point, the witness showed the Panel pictures from the Ikeja visit of the Governor and the subsequent visit to the President.

Mr. Muri-Okunola testified that on the 14th of October, 2020, a National Economic Council meeting, which is a periodic monthly meeting presided over by Vice President of Nigeria, Professor Yemi Osinbajo SAN in the instant case was convened. He noted that Mr. Governor informed government functionaries that top on the agenda of the meeting were the issues of security, the #EndSARS protest, Police brutality as well as the reforms that would be instituted. He further noted that one of the proposed reforms which had been agreed to by the President and for which the Vice-President gave directives, was the setting up of Judicial Panels of Inquiry in each State for purposes of investigating Police brutality.

On the 15th of October, 2020 the Governor of Lagos State set up the Judicial Panel to investigate SARS brutality and human rights violation with an initial sum of Two Hundred Million Naira (₦200,000,000.00) set aside as compensation for victims of such brutality, abuse and human rights violation by the Police.

A Security Council meeting was held on the 19th of October, 2020 starting with the Lagos State Executive Council Meeting in which all members of the cabinet to wit: Commissioners, Special Advisers of Cabinet rank, Secretary to the State Government, the Deputy Governor and Governor of Lagos respectively were in attendance. He informed the Panel that the discussion on that day revolved around the issue of security in Lagos and the breakdown of law and order which was being witnessed at the time. He went on to explain that in the week preceding 19th October, 2020, calls reporting cases of robberies and the setting up of road blocks by people who were not Police Officers were being reported all around the State. He recalled that at this point, the Commissioner of Police had given the Governor a report in which he noted that he was also addressing the issues of breakdown of law and order. The witness then went ahead to state that he would show the Panel some of the incidents which led to the decision taken on that day.



One of the decisions allegedly reached was a deliberation on whether or not the Governor should declare a curfew. However, the Council decided to tarry until the Security Council meeting was held, during which the security experts with firsthand knowledge of the incidents would be in a position to advise the Governor on the appropriate steps to be taken. He noted that the meeting did not end until about 3pm. By 4.30pm, the Security Council meeting had commenced. At this point, the witness informed the Panel that he had to mention that his report was an account of the sequence of events as he had been informed by the Governor as he was not a member of the State Security Council.

He noted the composition of the Security Council of the State as comprising the Governor as Chairman, Senior Special Assistant on Security to the Governor, Attorney-General and Commissioner for Justice, Secretary to the State Government, Chief of Staff to the Governor, the Commissioner of Police for Lagos State, representatives of the Armed Forces- the Air Force and Navy respectively as well as the State Director of the State Security Service (DSS). He explained further that although the meeting was meant to occur weekly, it however usually occurred more than on a weekly basis.

The witness testified that on the 19th of October, 2020, Mr. Governor again appealed to the youths to leave the roads and embrace dialogue for the resolution of their agitations. On the same day, the Honourable Panel was also inaugurated. He explained that the Panel would have been inaugurated two (2) days earlier but for the delay in the submission of its representatives, as the 'primary agitators' which were the youths the body representing the youths at the time. He noted that despite the State Government having its own Youth Council whom it usually dialogued with, it refrained from taking nominations from the body known as the National Youth Council of Nigeria, Lagos Chapter. He further explained that the slots had to be left open because the movement had grown in size. He recalled that the primary factor which drove the movement was that the youths had indicated that they were a leaderless group. Further, they had an all-embracing, all-encompassing and technology-based system for producing their representatives. As such, no one could dictate their choice. At the end of the dialogue, two (2) individuals one of which was Mr. Temitope Majekodunmi were subsequently sworn in.

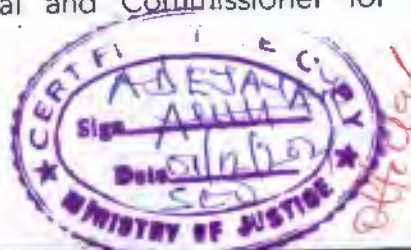
He further testified that the hijack of the protest which he earlier referred to escalated and took a turn for the worse when a state-wide attack occurred. He indicated that noble protesters were attacked with cutlasses, sticks and charms, while private and state-owned properties, royal and media houses were either attacked or penciled for attack. It was the testimony of the witness that the State experienced escalated violence around the city.

He stated that on the weekend preceding the 20th of October, 2020(17th and 18th of October, 2020 precisely) an incident which occurred at Ogolonto, Ikorodu was identified by the State Security Council as one of the incidents which led to a turn and major escalation of the violence. He explained that the convoy of the wife of one of the South Western Governor's was attacked. He indicated that it took about one (1) hour of response for the said convoy to be rescued. Incidentally, another Governor's wife's orderly was disarmed and had weapons taken from her on the same day. He indicated that the reports were first-hand accounts, in addition to those being received from the Police. This consequently heightened the violence as well as security alert within the State.

By this time, hoodlums had infiltrated the protest, roads were being barricaded, cars being stopped on the roads across the city while the lives of protesters and citizens generally were put in danger with parents expressing concerns about their children; especially for the safety of the female children whom he noted were particularly vulnerable as incidents of attempted and actual rape were being reported as well. He informed the Panel that at the end of the presentation, he would present what the Police supplied as their account of the incidents which they had in their record for the period.

By the 20th of October, the media had circulated a situation of near/complete breakdown of law and order as a Police Station at Orile had been attacked, while a Policeman was killed and burnt alive. Referring to slide nine (9) of one of the videos he mentioned earlier, Mr. Muri-Okunola explained that the content of the video was of Mr. Governor while addressing protesters during his visit to them at the Lekki toll gate on the 12th of October, 2020. He recalled that at the time of the visit, the protest had been infiltrated and it was also at the scene that the Deputy Governor was manhandled. Recalling his account of 20th October, 2020 the witness reiterated that the Orile Iganmu Police Station was burnt on the same day. In addition, a Policeman was killed while others sustained injuries. This, he noted caused the Officers to flee and abandon the Station leading to the unfortunate hijack of the arms and ammunitions contained in it before being razed down. He also noted that the incident was circulated widely on social media and broadcast on television as well. Explaining further, the witness informed the Panel that all suspects being held in the cells for various crimes and awaiting transfer to Prisons and /or Court were allegedly released by the infiltrators of the protest. Witness went on to explain that the video being played showed a Policeman being attacked .

He recalled that on the 19th of October, 2020 Mr. Governor had instructed some Cabinet members to set up an Incidence Center for purposes of monitoring issues. He explained that the Incident Center comprised of Mr. Governor, the Deputy Governor, Head of Service, Attorney-General and Commissioner for Justice,



Commissioner for Health and Commissioner for Information and Strategy who were required to meet at a particular point at the Government House, Marina to monitor what was going on around the city/state. He recalled that the Special Adviser on Education was also in attendance. It was his evidence that on the 20th of October, 2020, the Commissioner of Police was also reporting to the Incident Center simultaneously in respect of the incident at the Orile Police Station. He noted that the viral broadcast of the incident which occurred at the Orile Police Station served as a catalyst. As such, series of other attacks began to occur across the State on Police Stations, Policemen and other security facilities. These attacks, he noted escalated to media houses, palaces, private businesses, government establishments as well as the looting and arson on public infrastructure.

The witness informed the Panel that at about 11:49am on the 20th of October, 2020, Mr. Governor in consultation with the Security Council and the representatives of the Executive Council announced the imposition of twenty-four (24) hours curfew in all parts of Lagos State. The said curfew was however extended to commence at 9pm when Mr. Governor realized that people might not get to their destinations immediately.

The curfew, the witness noted was further extended to commence at 9pm when Lagosians started to indicate that as a result of the attendant Lagos congestions/traffic and other constraints they would be unable to get to their destinations before 4pm. This further extension of the curfew, Mr. Governor directed to be communicated on all platforms (including the now banned Twitter Application), channels and members of the Security Council.

At this point, the witness identified the printout labelled "For Greater Lagos" a tweet in respect of the extended curfew. The Twitter message on Governor Babajide Sanwo Olu's directive on the 20th of October, 2020 of the 24 hour curfew starting at 9pm, was consequently admitted and marked Exhibit 'C' in the absence of any objection. Moving on, the witness indicated that simultaneous to or just before the directive was announced, one DJ Obi who was one of the faces of the noble #EndSARS protesters who had also always been in constant dialogue with the Government, released a video on his social media platforms urging the protesters to abide by the curfew time and go back to their homes. The said DJ Obi alongside others vacated the Lekki toll plaza. The witness informed the Panel that as part of the Incident Command, events going on at the toll gate were also being monitored through the Managing Director and officials of the LCC. He noted that they received periodic feedbacks and footages of the migration and dispersion of the legitimate protesters from the toll gate.

At about 6:45pm on the 20th of October, 2020 the witness indicated that a resident of Queen's Drive, Ikoyi called to report sporadic gunshots which the Incident

Command assumed was as a result of a robbery or security incident around the neighborhood until they began to receive other calls reporting the same sporadic shootings from the Ozumba Mbadiwe, Victoria Island area as well. The second person who called at exactly 6:45pm confirmed that the shootings were happening at the Lekki Toll plaza. Based on this intelligence, and subsequent confirmation of the same report, the Managing Director of LCC was called to confirm same. However, because he was not at the scene, his staff had also called to complain of gunshots which they thought were coming from Policemen. This led to Mr. Governor calling the Lagos State Commissioner of Police, Mr. Hakeem Odumosu who within a few minutes called back to inform the Incident Command that men of the Nigeria Police Force were not responsible for the shootings and that his Officers were in full compliance with the stand down order of extending the curfew to 9pm. At this point, calls was placed to the Armed Forces members of the Security Council who also informed them that its Officers had also stood down and were nowhere near the toll plaza.

However, live broadcasts and comments on social media alleged that men of the Nigerian Army were responsible for the shootings. This allegedly then prompted Mr. Governor to call General Ndagi who at the time was the Nigerian Army representative on the Security Council of Lagos and attended its meetings. The witness noted that General Ndagi was at the meeting which held on the 19th of October, 2020 along with other members of the Nigerian Navy, Air Force and the Directorate of State Security. The witness testified that General Ndagi informed the Governor that it was definitely not his men because they had been instructed to stand down. He noted that the immediate concerns of the Incident Command at the time was to ensure the immediate deployment of ambulances and emergency services to the toll gate if shootings were indeed going on there. Further, the Commissioner for Health was also directed to instruct hospitals to check if there were casualties in hospitals in the neighborhood of the Lekki toll gate. While all this was on-going, it surfaced on social media that men from Bonny Camp were the Officers that went to the toll gate. The witness emphasized that the major concern of the State was to prevent further casualties, shootings, injuries while ensuring the maintenance of peace in the neighborhood because of the uncertainty as to the identity of the men at that point in time.

While the monitoring continued, a call was received from a paramount royal father in the South West who alleged that his life was in danger as he had received information that hoodlums were allegedly about to burn the Oriental Hotel across from the Toll Plaza. He stated further that the paramount ruler further alleged that the hoodlums had heard that he was a resident through his vehicle number plates which had his insignia on it. The witness, while praying to retain the anonymity of the ruler noted that said paramount ruler was resident on the third (3rd) floor of the Oriental Hotel on the 20th of October, 2020 at about 9pm. However, reports received from the incident command had indicated that the protesters at the Government House, Alausa, Ikeja



had dispersed the moment the curfew was declared. Consequently, no incidents occurred at that location.

He explained that an automatic consequence of the declaration of a curfew in the State is that activation of men of all the security apparatus to various locations. In respect of the instant matter, he informed the Panel that the Nigerian Navy covered the sea installations, areas and neighborhoods of Apapa, Orile and its environs, the Nigerian Air Force predominantly were sent to the airports as well as the Alimosho and Ikeja environs, while the Police, the Nigerian Army and the men of the Department State Services (DSS) were deployed everywhere. They were not limited to a particular spot.

He noted that the Incident Command was informed that there were indeed casualties in some of the hospitals in Lagos. He listed some of the hospitals and stated that they were more in Reddington Hospital on Admiralty way and the General Hospital, Marina, Lagos. In the same vein, incidents of violence from other parts of Lagos which had allegedly escalated to cult and territorial clashes in other areas was also received as the now insecure and fragile security network of the state had been run over and taken advantage of and the Police had also begun to retreat to their Barracks.

When asked to explain what he meant by 'Police retreating to their Barracks', the witness explained that it simply meant that the Police were unable to respond to reports of incidents, the Incident Command was receiving as they were being attacked by hoodlums. In addition, the manpower of the Police force in Lagos State was also stretched thin because of the deployment of its 'detachment' to the North due to the unrest and other assignments. This he noted had happened prior to the #End SARS protest. As a result, its aftermath had not been anticipated.

When Mr. Governor suggested that a physical appraisal of the situation be carried out at about 10:30pm on the 20th of October, 2020 the suggestion was rejected by his core security personnel on the ground that it was unsafe. However, due to the number of people who were allegedly said to have presented at Reddington Hospital, Mr. Governor against security advice, insisted on going to the Lekki toll gate, Redington Hospital and the General Hospital, Marina. The witness went on to identify and explain photographs of hospitals visited by Mr. Governor and his team. He identified General Hospital, Marina, its doctors and the injured persons whom they saw that night, although he could not identify them by their names.

He also went on to identify pictures which were taken at Reddington Hospital, Admiralty, Lekki, the individuals who had been injured in a stampede when they fell over one another. He noted that there were about thirteen (13) people at Reddington Hospital when they visited. He also noted that incidents of robberies and looting of

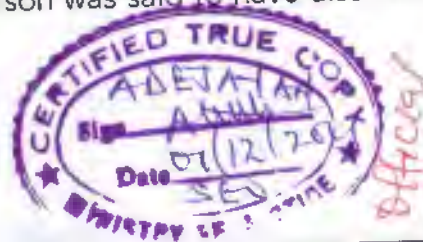
stores were also being reported, especially around the Lekki axis, particularly the Circle Mall and residents of Ikate. He noted that some of the injured at Reddington were people who had been injured by the security men/vigilantes in the neighborhoods they tried to attack. They had been allegedly taken to Reddington Hospital by their friends.

The witness indicated that the team who accompanied Mr. Governor on the visit to the hospitals left the Government House at about 12:30am for the General Hospital, Marina first. He noted that the hospital had twelve (12) patients who had presented and that the doctor-in-charge had informed them that one of the patients with more severe injuries from machete cuts was being referred to LASUTH. He further noted that at the time of their visit to the facility, most of the injuries they observed were in the nature of cuts and bruises, probably from machete cuts. He emphasized that none of the patients had suffered gunshot injuries.

Mr. Muri-Okunola went on to identify a photograph which he alleged had been taken at Reddington. He explained that as a result of the high number of emergency cases they had, the space at the back of the compound had to be converted to a make-shift emergency treatment place. He identified a few more people who were merely seated on chairs as well as an individual (patient) who was seated at the end of the hall. He confirmed that he was part of the team that went to Reddington hospital.

Next, the witness identified a video taken at Reddington Hospital, a private hospital on Admiralty Way, Lekki and the doctors who were giving Mr. Governor information on the status and the nature of the injuries of the patients. He noted that the patients predominantly suffered from fractures, machete injuries, minor bruising. He emphasized that the video was recorded on site and in real time at Reddington Hospital and that the participants who were speaking were the actual medical staff employed by the hospital to care for the patients. He also noted that none of the account was made up by him. Lastly, he identified the pictures of the Governor and his Deputy beside him in one and the picture of the team at the General Hospital, Lagos in the other.

He recalled that shortly before 11:15am on the 21st of October, 2020 Mr. Governor during a live broadcast addressed the State and appealed to them to be calm and maintain peace. He also urged the youth to stay at home as anyone caught within the vicinity of the areas that were being robbed and properties destroyed would be regarded as criminals. Lastly, Mr. Governor informed the State that as at that time, no casualties had been recorded in any of the hospitals around Lekki based on monitoring and feedbacks from those hospitals. However by 11am, the Medical Director of Reddington had reported that one of the patients in their care had died from blunt force trauma. Shortly after, another person was said to have also died at



Yaba and the body transferred to the mortuary. He explained that the Governor immediately ordered an investigation into the deaths for the purpose of confirming the nexus of the deaths to the incident that occurred at Lekki Toll Gate.

Simultaneously, the witness stated that the Oba of Lagos, Oba Rilwan Akiolu was sacked from his palace and an attempt was made to burn down the palace. He noted that this incident occurred even with the curfew in place. Further to this, the Incident Command received reports from members of the Lagos State High Court and residents of the Catholic Mission Street that the Lagos City Hall was under siege and being looted. He indicated that men of the Lagos State Fire Service were prevented from moving into the neighborhood by the said attackers. In the same vein, Police alluded that it was unsafe for them to go into the areas where these incidents were occurring without causing harm or fatality. The witness noted that children and vulnerable people had also been incited to join the attackers. He explained that the Bus Rapid Terminal (B.R.T.) at Muritala Muhammed Way, Yaba was also attacked. There was very little the Police Officers at Denton Police Station could do as they were also trying to protect the Station while these vices were occurring.

Mr. Muri-Okunola informed the Panel that a record of all the incidents which started from the 12th to 30th of October, 2020 was compiled and submitted by the Lagos State Police Command to the State Government. He then went ahead to identify and confirmed the hardcopy of the recorded incidents as it was the copy that was reproduced in the slide. However Mr. Ogunlana objected to the tendering of the said document on the premise that the incidents being referred to from the 12th of October, 2020 was outside the terms of reference of the Panel and was also time-consuming. In a considered Ruling, the Panel held that the document of the Incident recorded during the #EndSARS protest by the Lagos Police Command from 12th to 20th October, 2020 was admissible and marked same as Exhibit D on the grounds that from the date recorded (20th October, 2020) fell within the period of the incidence report. The Chairperson also noted that the Panel would look into the relevant aspects which fell within the scope of its investigation.

When asked if he (personally) or the Governor and his entourage had confirmation of some of the events, the witness explained that on the 23rd of October, 2020 the Governor and his team moved around the State to witness some of these incidents. He indicated that they visited twenty-seven (27) locations where government assets and private properties had either been looted or destroyed. He listed some of these assets as the High Courts and Magistrate Courts, Igboosere, Headquarters of Ajeromi-Ifelodun Local Government in Ajegunle, Ajeromi Police Station, Palace of the Oba of Lagos and B.R.T. bus station located at Muritala Mohammed way, Ebute Meta. He indicated details of these incidents were contained in another bundle of pictures, in a different file.

It was his testimony that these incidents were the reason why the Terms of Reference of the Panel was expanded to include all incidents that relate to the Lekki toll gate incident. He noted that the State continued to see an increase in the destruction that had happened in the State by the 27th of October, 2020. The Governor also announced that anyone found culpable for any incident around the toll plaza would be held accountable for all of their actions as there were reports of deaths of young people, missing persons and loss of lives which were not recorded from Police Stations, hospitals or mortuaries.

He explained that some people who were rumored to be dead came out to debunk the news either by denying that they were neither at the toll gate or that they were not in fact, dead. He mentioned examples of such persons as Eniola Badmus, Mr. Iraoye Godwin (a native of Out Auchì, Edo), Comrade Anthony Okechukwu who was alleged to have been killed by soldiers but was discovered to have died in a motorcycle accident, Stephen Becky who also allegedly died at the toll gate but announced that she was alive, hale and hearty; Lucia Adu who was discovered to have been killed in an accident involving a stationery truck on the 20th of October, 2020. He further explained that one Joshua Obodo debunked the picture of a man who was carrying a girl with a blood stained Nigerian flag, noting that it was from a scene from a church play. He clarified that the said Joshua Obodo had been the President of the Nigerian Christian Corper's Fellowship (NCCF). He highlighted a video by the said Eniola Badmus who was alleged to have died at the #EndSARS protests as well as some pictures of 'behavioral parterns' which he indicated were noticed at the toll plaza.

Referencing videos and pictures, the witness noted that they were all incidents at the toll plaza which were not perpetuated by the noble #EndSARS protesters. As such, it was a major cause for concern for parents, any leader/administrator and especially the Governor of Lagos. Some of the unreported incidents, the witness indicated was incitement through social media which led to wanton destruction, loss of lives and destruction of properties across the state; which he noted would take a long time for the State to rebuild.

Referring to one of the videos in which a female on the morning of the 20th of October, 2020 was telling vulnerable persons under the influence of alcohol that no struggle was complete without loss of lives and flow of blood; the witness highlighted that the consequences of such statements presented itself as the aftermath of the #EndSARS protest when it was hijacked by hoodlums. He indicated that while he had never met the individual, she was known as 'DJ Switch', a major voice of the movement like DJ Obi who had also provided music during the protests. He showed a tweet on her Twitter page which allegedly called for hurting people deeply so that they would be



aware that the youths were not smiling. He reflected that those words were some of the factors that allegedly propelled irresponsible people to instill fear, commit crimes, destroy, loot and burn properties. He noted that such statements gave opportunist criminals the environment they to thrive and perpetuate injustice.

Speaking in respect to some slides about the protesters, the witness explained that the lessons learned and observed was that things could be legitimately done as their rights as protesters could sometimes infringe on the rights to livelihood, life and others of other people. He noted that the guerilla protesters who infiltrated the midst of the noble protesters should be held accountable for their actions as he was sure that the undesirable outcome of the protest was not the original intent of the protesters.

While noting that although it was the era of free speech, he however emphasized the need for caution especially to followers on social media. He noted that he had also included some recommendations and appealed for the consideration of the recommendations by the Panel in order to avert a recurrence of such incidents in the future through misinformation that is disseminated through social media. To this, the Chairperson assured the witness that the Panel would read the documents intelligently. The examination-in-chief ended with the witness explaining pictures of damaged properties.

Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Ogunlana.

Cross-examination began with the witness stating that he believed that the Lagos State had the capacity to receive, gather and process information received on the territory it governs. He went on to state that he was a legal practitioner when asked if he was also a sociologist or psychologist. He stated that he was not a member of the Security Council of Lagos State. He went on to confirm that he used the expression 'guerilla protesters' during his testimony. The witness went on to explain that the word 'guerilla' was used to describe the people who hijacked the protest under the guise of being protesters to perpetuate crime. When asked to confirm that the guerilla protesters, as opposed to the #EndSARS protesters caused the violence in Lagos State, the witness reiterated that what he said was that the #EndSARS protest was hijacked by those who did not come to participate in the protest.

When asked to confirm if part of his evidence was based on hearsay, he informed the Panel that some parts of his evidence were things he witnessed while others were told to him by the Governor. When also asked to provide proof of the infiltration of protesters, the witness explained that the fact of infiltration could be alluded to from the videos he tendered and the Report from the Police. The witness explained further that apart from the video, his oral testimony established that during the monitoring of the toll gate, people took advantage of the place to commit crimes such as smoking weeds and the sale of drugs. He also emphasized that the scene ought to

have been vacated by 4pm or 9pm as a result of the curfew that was declared; which he noted was another infringement of the law. Lastly, he noted that the Lekki toll gate was the same place where Mr. Governor and his Deputy had been manhandled; which according to him were behaviors different from that of genuine protesters.

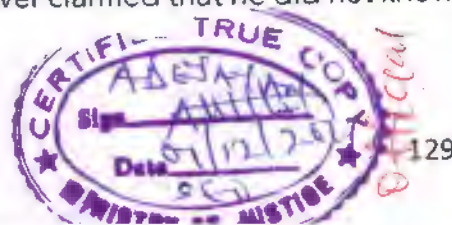
The witness noted that although he was not at the scene when the Deputy Governor was manhandled, the Deputy Governor informed him of this fact while the security personnel also confirmed same. He indicated that there were no videos or pictures to corroborate this fact. In relation to the locations of the #EndSARS protest, the witness clarified that what he said was that the #EndSARS propagators identified two major places for convergence to wit: the Lekki Toll Gate and the Government House at Alausa.

He denied being aware that Lagos State owned buses were used in transporting the guerilla protesters to attack the genuine ones at Alausa on the 17th of October, 2020. He again denied being aware that state owned buses were used in bringing in attackers and hoodlums to attack people with machetes. He went on to state that although he was aware of the incident in which machete wielding men attacked people at Alausa on the 14th or 15th of October, 2020 but were chased back by protesters; however, he unsure of the date.

The witness went on to confirm that the revenue generated by the Lekki Concession Company that manages the toll gate was important to service debts. He explained that when the company started, there was a concession between Lagos State and other parties. However, the partnership has been dissolved with Lagos State taking over the debt of those concessionaries. Currently, the State Government is the one responsible for serving and paying off the debts by the company. He emphasized that the Lekki Concession Company is now fully owned by the Lagos State Government.

The witness reiterated that Mr. Governor went to address the protesters who were converged at the Government House, Alausa penultimate to his trip to Abuja with the 5 for 5 demands. He clarified that during the visit, the situation became unruly and some insulting words were being said to the Governor, including 'shut up'. He informed the Panel that he was there when the incident occurred and that he heard 'soro soke'.

He went on to confirm that the Orile Police Station was overwhelmed with criminal suspects being set free on the morning of 20th October, 2020. When further asked if soldiers were deployed there, the witness reiterated that he had earlier explained that a direct consequence of the declaration of the curfew was that all members of the Security Council were to activate their men. He however clarified that he did not know



the process of deployment or who were deployed. He denied knowing if soldiers were there as at the morning of the 20th of October, 2020.

Responding to the question as to whether soldiers were around to safeguard the historical structures such as the Lagos State High Court and City Hall, the witness explained that in times of unrest, perpetrators of unrest never give advance notice of places that would be affected. Despite the fact that security alert was heightened in the state, he could not state for a fact that a directive was given for the Army to 'pin down' permanently at the High Court or if the Army was there. He clarified that the military was not the strongest security strength of the State. Rather, security was a joint effort of the Nigerian Army, Navy, Air Force, Police and the Department of State Services (DSS). When asked if these security forces were there, the witness further explained that the Police reported to them that they were deployed there but advancing further would have occasioned loss of lives as the perpetrators had vulnerable people and children with them.

The witness re-confirmed that the government received reports of gunshots being fired at about 6:45pm on 20th October, 2020 at the Lekki toll gate area and that Mr. Governor contacted both the Police and General Ndagi who denied that their men were not at the scene. He also confirmed that he later heard that military men from Bonny Camp went to Lekki. When asked if he was trying to insinuate that military men, Policemen and security men were never at Lekki, the witness clarified that what he said was that the security forces were directed to commence the enforcement of the curfew declared by Mr. Governor which until 9pm which it was subsequently extended to.

The witness also confirmed that Officials of the Lagos State Government later heard that military men from Bonny Camp were the ones, who went to the toll gate at 6:45pm on the 20th of October, 2020. He further confirmed that based on video evidence which everyone saw, they were armed and that shots were fired by the, military men with the guns based on video evidence.

The witness reiterated that he Governor created an ad-hoc incident command team and set up his residence as the Incidence Command Center. The team comprised and included the Governor, Deputy Governor, Head of Service, Attorney General and Commissioner for Justice, Commissioner for Information and Strategy, Commissioner for Health and the Special Adviser on Education. He noted that the team left the residence around 12:30am and headed for General Hospital, Marina, Lekki toll plaza 1 and then Reddington Hospital, Lekki in that order. Witness indicated that the team stopped on its way back, driving slowly through it on its way to Reddington. He explained that at the toll gate they witnessed that the entire structure had been burnt with barricades on the floor and soot from burning tyres.

He clarified that he did not mention a statement by DJ Switch, but showed it. He also clarified that he had stated that he did not know her, but that she was known as DJ Switch and that was her Twitter handle. He noted that as at the time he left his home that morning, he still saw her Instagram post. He also noted while he did not know the veracity of the tweet, it was her handle and it carried the name DJ Switch. He agreed that handles could be hacked. He indicated that he only knew that DJ Switch was that she was a disc jockey. He insisted that the video he showed belonged to someone known as DJ Switch on Instagram and that as at that morning, had not deleted the video.

He stated that he was not aware of the exact date when the #EndSARS protest commenced. He was however aware that it initially began as gatherings at one side of the toll plaza with traffic flowing until it escalated to a complete blockage by the 12th of October, 2020 and also became a 'full convergent center' for the protest. He noted that security operatives who went for monitoring and online videos showed crimes such as the taking and selling of drugs, drinking of alcohol and behaviors which were inconsistent with a legitimate protest taking place.

When asked for the documented evidence that violent crimes were being committed at the Lekki toll gate between the 12th- 20th of October, 2020 the witness explained that information on security and consequences or actions to be taken on security report was in respect of the entire State comprising of over twenty (20) million people and not concentrated on just Lekki toll plaza alone. He further explained that the bundle of documents spoke to the catalyst effect of social media cascading and instigating various crimes across the State. He indicated that the Lekki area was also included in the document.

When asked to show the exact place where the report was contained in Exhibit D, the witness indicated that incident of Lekki toll gate was untouched and left as a site to enable protesters air their views, including and Alausa, Ikeja as they were the two places the protesters converged. He noted that he was aware that Mr. Babatunde Fashola visited the Lekki toll gate to inspect it after 20th of October, 2020 in the company of Mr. Governor and some entourage; although he noted that he was not a part of it. Lastly, he only came learn that Mr. Fashola discovered a camera online.

Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Seriki on behalf of Lekki Concession Company.

The witness began by confirming that the Lekki Epe expressway was a Lagos State government infrastructure and that he was aware that same was being managed by the Lekki Concession Company Limited. He noted that both toll plazas were located on the Lekki-Epe Expressway. Further, that any incidence that borders on security



within the vicinity of the toll plaza will be of interest to the Lagos State Government as it was a public infrastructure, inclusive of the entire state. He also confirmed that the curfew was based on the security situation of the State at a particular period in order to avert chaos. As such, the managers of the toll were expected to cooperate in making available relevant information in respect of the position of things at the Lekki toll plaza on 20th of October, 2020.

He noted that he was aware that although the Lekki Concession Company Limited was a limited liability company, it however operated solely as a corporate entity. It was the testimony of the witness that he was also aware that the company had a board of directors who were responsible for the management of the company. He indicated that he agreed that the company was a corporate entity to a large extent as it employed its own staff. However, the public service could deploy staff to fill specific cadres which the company requested Officers for. The managing director, the witness noted was however recruited from the private sector.

When asked if the Lagos State Government gave instructions or directives to the company in respect of its day-to-day operations, the witness informed the Panel that the company was a public-owned subsidiary but operated as a private entity. He clarified that the curfew was not particularly directed at the Lekki toll gate protesters alone, but to the twenty (20) million people who were resident in Lagos as well.

When asked if the Lagos State Government gave any directives to the company in respect of the operation of the light, switching off of the light or the removal of cameras at the Lekki toll gate the witness responded by stating categorically that the Lagos State Government did not involve itself with the day-to-day activities of the company. He reiterated that the state government did not give directives to the company as to the operation of the light, or whether to switch off of the lights or remove of cameras at the Lekki toll gate.

Lastly, he explained that the managing director of the company was able to relay information to the Governor about the situation on ground on the day of the incident even though he was not physically in the office because they were informed that the company had remote access to all their cameras as part of their functions in monitoring their facilities. This enabled the managing director to view the cameras remotely and then send them the clips by electronic format. At this point, Further Hearing in the Lekki incident investigation as it affected Mr. Muri-Okunola was adjourned to the 29th of June, 2021.

On the next adjourned date, the witness was reminded of his oath.

Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Eboseremen for the Nigeria Police Force.

Cross-examination began with the witness confirming that many Policemen were killed during this #EndSARS Protest. He also confirmed that many Police stations and a palace were burnt in the aftermath of the #EndSARS protest. Lastly, he stated that to the best of his knowledge, it was the Panel's responsibility to give compensation to the families of the victims and the burnt stations.

Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Uthman on behalf of Mr. Lucky Philemon.

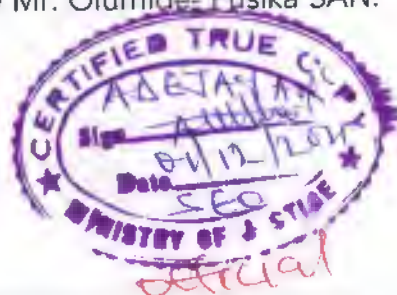
Cross-Examination of the witness began with Mr. Muri-Okunola informing the Panel that the Lagos State Emergency Services (LASEMA) and the Fire Service. He noted that LASEMA included ambulances which carried medical personnel were some of the agencies that were dispatched to the toll plaza. He clarified that it was the duty of emergency services in any situation to respond whenever there are shootings. He noted that properties were also burnt apart from shootings and this also required the dispatch of said emergency services.

He went on to confirm that the Incident Command Center did not send Policemen or armed security personnel to the Lekki Toll Plaza to confront armed persons who were perceived to have been shooting at innocent protesters. He also confirmed that he was also at Reddington, Victoria Island and that some of the victims they observed were victims of machetes and stampede's. Further, from the evidence and discussions with the medical personnel, there were no victims with gunshot injuries.

He clarified that they team did not visit Reddington, Victoria Island but the branch at Admiralty Way, Lekki, Lagos. He denied being aware that there were some victims of gunshot injuries at the site where other victims of stampede and possible machete were. He noted that he was also unaware that Reddington, Victoria Island had appeared before the Panel to present reports of victims of gunshot wounds at their facility. He stated that he had not really been following the proceedings of the Panel. He informed the Panel that he was now aware that other hospitals also treated victims from the Lekki shooting, although he did not have the details. He was also unaware of any details which suggests that there were gunshot injuries.

He indicated that Mr. Uthman would have to convey his feelings as to the fact that his client, Mr. Lucky Philemon was allegedly shot at the toll gate. Lastly, he stated that determining the cause of the stampede that led to widespread injuries was one of the reasons why the Panel was set up.

Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Olumide- Fusika SAN.



The witness began by testifying that the introduction of himself and the functions of his office were not only in relation to personal matters. He explained that it would also include functions he had to perform as he may be directed by Mr. Governor by virtue of his membership of the Executive Council. He he was not directed by the Executive Council to appear before the Panel. Rather, he was summoned by the Panel and he would have appeared before the Panel irrespective of Council directives.

When asked if presenting the detailed report by the Lagos State Government on the incident of 20th of October, 2020 was part of the functions of the Head of Service, the witness reiterated that he was before the Panel because he was summoned. He indicated that he never said that asking about the incident of the Lekki toll gate was not part of his functions. He sated categorically that the report about the Lekki incident was an account of the things he had knowledge about and that he was duly authorized to present the power point report you gave as that of Lagos State.

He went on to confirm that he tendered Exhibit B which were both documentary and visual evidence. He noted that he had seen so many interviews Mr. Governor granted to CNN correspondence, Becky Anderson. As such, he did not know which of them was being referred to. When informed that it was the interview where Mr. Governor promised that there would be an inquiry that was being referred to, the witness confirmed that he was aware of it. He also confirmed that although he was aware that Mr. Governor confirmed seeing footages of the incident, he was however unaware that he had said that the said footages would be played before the Panel. When asked which of the footages contained in Exhibit B that Mr. Governor was referring to, the witness simply responded by stating to wit: "If you say the Governor said so, I believe you."

At this point, Mr. Fusika requested that the video tagged 'VRCL5295' from the flash drive tendered by Miss Serah Ibrahim and then asked the witness if Exhibit B tendered by him pointed out any footage Mr. Governor might have been referring to, the witness noted that his understanding was that the managing director of the LCC had appeared before the Panel and told the Panel that the footage would be made available to the Panel. Further, that he did not monitor the day-to-day activities of the LCC. He also indicated that he was aware that the CCTV footage of the LCC had been submitted to the Panel and that the footage Mr. Governor saw on social media was the one he was referring to, although it might not be contained in Exhibit B which was tendered by him. He went on to confirm that the video on social media which was made by DJ Switch was part of his evidence to support his presentation. Further, that it was part of the evidence he wanted the Panel to use in determining what happened at Lekki.

He stated that it was incorrect to state rather than present evidence that would assist the Panel in determining what happened at Lekki, it was DJ Switch that was his problem. He indicated that the picture being shown by the examiner was that of Mr. Governor holding the flag at the Lekki toll gate before 20th October, 2020 and confirmed that it was taken while Mr. Governor was addressing the protesters, some of whom were sitting while others were stood. When asked if anything was being thrown at anybody, the witness indicated that that fact wasn't showing in that particular video. When another video was played, the witness confirmed that there was no commotion happening in that video.

While pictures from the presentation slides were being shown, the witness confirmed that there was no commotion happening. He also indicated that another picture which showed Mr. Governor making a solidarity fist was taken while he was displaying a document. The witness went on to confirm that the video of a Policeman who was being beaten by an angry mob which was shown to the Panel occurred at Orile-Iganmu. He noted that the lynching of the Police Officer, in addition to other incidents across the state led to the declaration of the curfew.

He informed the Panel that the State did not send the Army anywhere. He indicated that Mr. Governor visited the scene where the Police Officer was lynched on the 22nd of October, 2020 and noted that the incident occurred on the 20th of October, 2020. When asked if he agreed that such incident never happened at the toll gate, the witness indicated that there was no Police Station at the toll-gate. When asked to show the Panel the Police Station, the witness explained that the Police Station was not showing in the video but that it was on the right side. He knew this because he was at the scene. When further asked if there was a landmark, the witness noted that he saw the fuller version of the video. When Mr. Fusika then asked the witness why he did not present the fuller version to the Panel, he explained that the intent of presenting the video to the Panel was simply to show the reason for the curfew, the killing of a Policeman.

After playing another video, the witness informed the Panel that the man in the video was DJ Obi, an #EndSARS protester. He confirmed that he was one of the people the State was in discussions with. He clarified that he never said that DJ Obi was legitimate while DJ Switch wasn't. He explained further that the video was about the power of social media. He went on to confirm that the State distributed food and water at the toll gate. When asked if DJ Obi was part of the people the State was interfering with to distribute food, the witness clarified that the engagement was for the purpose of maintaining peace and that the Government was happy that he urged people to go home because laws were meant to be obeyed. He noted that the Government did not call the protest, and so it could not determine when same would end.



The witness went on state that the video which showed a discussion being held was 1:29seconds long. He clarified that at the time, medical personnel at Reddington told them that there was no casualty or gunshot victim. He informed the Panel that the team spent between 20-30 minutes at Reddington hospital and that the cameraman attached to Mr. Governor took the photograph. When asked if the team visited with camera men, the witness noted that they went with a Press entourage.

He informed the Panel that he did not bring the full video from which the one presented before the Panel was edited and also because there were some parts where cameras were not allowed in. The witness insisted that the parts of the video he presented to the Panel were the relevant parts. He explained that like the CNN video, it wasn't the entire video that was shown as he had presented an outline of the sequence and timeline of events that transpired. He noted that the team visited the three (3) locations after the Lekki incident between 12:30am and 1:30am. He also noted that it appeared as though the camera did not have a time stamp. He denied remembering the tweet of Mr. Governor on dark forces beyond his control at about 8:20.

Referring to the video tagged as IMG_0236.jpg, the witness indicated that the time indicated on it was the time on the phone and not that of the tweet. He also noted that the picture did not show a timeline. He confirmed that Mr. Governor made a broadcast the following day. At this point, the witness was made read out the contents of the tweet by Mr. Governor labeled IMG_0644.jpg. He clarified that the destruction and carnage which occurred all over Lagos was the incident Mr. Governor referred to in the tweet. He noted that no 'fact-finding committee into the Rules of Engagement other than as adopted by the Nigerian Army to be headed by a retired military officer' was set up. He was unaware of it.

When asked what Mr. Governor's interest was in the Rules of Engagement, the witness explained that the idea of setting up a committee to look into the Rules of Engagement coincided with the setting up of the idea. He added that the idea of setting up a Panel superseded that of setting up another Committee as whatever the Committee would be doing would have been sub-judice the powers of the Panel. He further explained that the allegation that involved the military on #EndSARS were social media report of shootings by men in military uniforms at the toll gate. He maintained that the sequel of events were what transpired because he was there and also because he is a part of the administration.

He informed the Panel that Mr. Governor was referring to the carnage that occurred around Lagos when he said that there was no excuse for the unfortunate incidence. He noted that what Mr. Governor relied upon in declaring the curfew was not limited

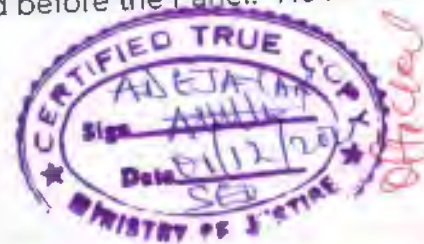
to the Incidence Report from the report marked when he was asked to take a look at the document marked Exhibit D. He reiterated that they were parts of the reason why the curfew was declared. He emphasized that the incidents were those reported by the Police Command. However, the things considered by Mr. Governor and his team in declaring the curfew were more than that. He noted that they included informal and social media reports and security information gathered across the State.

When asked how many incidents were summarized in the Incident Report, the witness indicated that it was a document of the Nigeria Police and that each number did not contain one (1) incident. As such, he is unable to give an exact number. He confirmed that 1400hours on the 12th of October, 2020 was not 'last night'. He equally agreed that 1030hours on the 19th of October, 2020, 8.30 of 20th October, 2020, 21st October, 2020 till the last timing at number 8 amounted to 'last night' either. He indicated his belief that the report in which Mr. Governor referred to 'last night' was different from that of the Lekki toll gate in which Mr. Governor stated that the flag be flown at half-mast as it was in the outline he gave. He stated that the tweet was not about the Lekki toll gate because the events which transpired across Lagos State from the 19th of October, 2020 till the night of 20th of October, 2020 culminated in the decision. He insisted that 'incidents' referred to in the tweet were many in Lagos and that the Report was part of what the State received from the Nigeria Police. He went on to emphasize that while the 'incidence' was not included in the report, it was contained in his outline.

Referencing IMG_0642.png, the witness noted that Mr. Governor was not in charge of the Army while the Inspector-General of Police was in charge of the Police. He also noted that the Inspector-General answered to the President. However, he didn't know if it would include the Vice-President. Moving on to IMG_0643.PNG, the witness stated that he was not telling the Panel that the State's source of information was superior to that of the Vice-President. When asked if the Vice-President was lying when he said 'shooting at Lekki', the witness indicated that the examiner would have to ask the vice-president. He clarified that he was before the Panel to clarify what he knew.

He denied knowing one 'Adagun Oosha'. When shown IMG_0485.PNG which was the photograph of a man who was allegedly one of the people that attacked protesters and also an All Progressive Congress (APC) enforcer, the witness again denied knowing the individual. For the third (3rd) time, he insisted that he did not know the individual who was alleged to be an enforcer for the APC.

Referencing ALMJ9660.MP4 and after being asked if the leader gang of the hijackers that attacked the Palace of an Oba, the witness indicated that the best person to ask that question would be General Taiwo who testified before the Panel. He noted that



investigation into the attack on the Oba's palace was part of the reasons for setting up the Panel. He also indicated that he was not a member of the State Security Council. He doesn't attend because he is not a member.

He informed the Panel that the communication which blamed hijackers was unknown to the Governor of Lagos and that he was unaware that Brigadier General Taiwo testified that a Baale seeking 'omo onile' money asked his boys to burn down a building. When asked how the State's security gathered information, the witness emphasized that he wasn't a member of the committee. He noted that he only gave an outline of what he knew that took place. He indicated that he should be familiar with the convoy of Mr. Governor when going out. He indicated that there would be between seven (7) and eight (8) cars including sometimes, an ambulance as well as his Press crew. He confirmed that there would be all sorts of recordings.

Mr. Muri-Okunola confirmed that the Deputy Governor only accompanied Mr. Governor during the visit to the Lekki toll gate before 20th October, 2020. He agreed that the visit was played live and reported in newspapers. When asked why the attack on the Deputy Governor was not reported, the witness indicated that the Press men did not know but that he was informed by the Deputy Governor himself on the day of the incident, as he was not on that visit. He indicated that the attack was verbal in nature.

He noted that it would be the examiner's suggestion if he suggested that Mr. Governor was manipulated into declaring the curfew by 'forces beyond his power'. He stated that Mr. Governor was not manipulated into declaring the curfew based on available information from many sources across the State. He went on to confirm that he met the Governor at the State Executive meeting on the 19th of October, 2020 where the issue of declaring a curfew was deliberated.

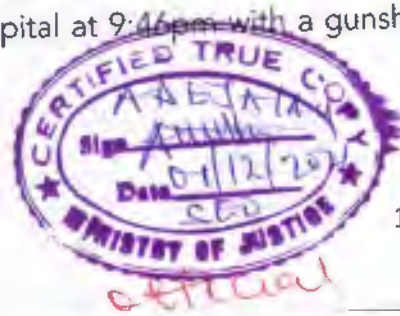
He explained that a Security Council meeting needed to be held in addition to monitoring events which were happening and that Mr. Governor informed him that at that meeting, it was decided that events would be monitored as they unfold. The declaration of the curfew occurred on the 20th of October, 2020. When asked if he was aware that the idea of using the Army to quell the protest had been ongoing before the 20th of October, 2020 the witness noted that he was unsure of the nature of the question. Mr. Fusika then requested that the following media to wit: IMG_0468.PNG, IMG_0467.PNG, IMG_0465.PNG (October 17, 2020) and IMG_0463.PNG. (October 18, 2020) be opened and played.

The witness agreed that he had seen some discussions about the Army being brought in to stop the protest prior to the 20th of October, 2020. When asked to clarify the disagreement in which Mr. Governor stated that he did not invite the Army while

General Taiwo told the Panel that Mr. Governor was aware of same, the witness stated categorically that Mr. Governor did not invite the military to the toll gate. He confirmed that he listened to the President's then recent interview on Arise TV, although he did not remember it vividly. When also asked if he did not have any intelligence report alluding to the fact that the protest was to overthrow the government, the witness informed the Panel that he was not privy to the Report of Mr. President.

He noted that he believed that it was normal for a sitting government to put a stop to any perceived overthrow of its government. He however stated that the purpose of the curfew was to curb the rising level of killings and destruction of properties which had been going on around the State. He explained that the automatic sequence of events was for members of the Security Council to take deployment posts once a curfew had been declared. The witness went on to state that Mr. Governor was conscious of this fact. He emphasized that Mr. Governor did not deploy a single Officer of the Army. He confirmed that Mr. Governor was aware of the consequences of declaring a curfew which was that the security agencies were expected to assume positions and maintain security. However, he was not privy to details of their operating procedures. He emphasized that the Governor knew that the security agencies would go out and they would touch all corners of Lagos. He indicated that while he did not what General Taiwo told the Panel, he knew that security agents would commence enforcement of the law after 9pm. Mr. Muri-Okunola confirmed that he was a lawyer but noted that he did not know the section of the Constitution where it is stated that the consequences of declaring a curfew was that military men would be deployed. He also noted that he did not know if it was contained in the Police Act. He indicated that although he was aware of the Armed Forces Act, he was unaware of its content. He reiterated that Security Council members had their standard operating procedures once a curfew was declared and that who or how they deployed was left to them as professionals was left to them as the Governor was not in charge of that aspect.

He indicated that General Taiwo had led evidence which the examiner had informed him that the Army was accountable to the General-Officer-Commanding. He also indicated that the Governor expressed his concern in the interview and the tweets that were shown to him. However, there were limits to his powers about such things. He noted that he was aware that medical reports are a consequence for people who present and are treated at the hospital. He also noted that he would not be surprised that the hospitals had medical reports. However, at the time of his visit to the hospital alongside the Governor, none of the patients in the hospital at that time had gunshot wounds. When asked if he would be surprised that the medical report of one Mabel Nnaji showed that she presented at Reddington Hospital at 9:46pm with a gunshot



wound, Mr. Owonikoko objected to the question on the ground that the witness was not the author of the document being referred to.

He went ahead to inform the Panel that he was not in the video or pictures of the visit as the people who were shown were in front. He however insisted that he was at Reddington Hospital, Lekki. He indicated this belief that the first time the Incident Command heard about gunshots was 6:45pm with the first call coming from a residence in Queen's Drive, Ikoyi. He stated that the Honourable Attorney-General received the call and that everyone present at the situation room heard everything the caller said as it was over the speaker phone. He confirmed that their initial thought was that the gunshot was a robbery. When asked if it was normal to call the Situation Room as opposed to the Police, the witness explained that he called the Honourable Attorney-General as a staff of Lagos State and because he/she was aware that he was in the Situation Room and that another resident who informed them that the shots were coming from across the water, Ozumba Mbadiwe was also called. He noted that the caller was not a security agent and that he called the other person in order to confirm if he also heard the shots because he lived within the vicinity. Further, that the person was the one who then confirmed that the shots were coming from the Ozumba Mbadiwe area.

He confirmed that subsequent to the confirmatory call, Mr. Governor then called Hakeem Odumosu, the Lagos State Commissioner of Police. He also confirmed that prior to the call to the Commissioner of Police the managing director of the LCC was called to ask if there were gunshots and that the managing director confirmed that his staff informed him that there were gunshots from armed men. He further confirmed that the initial thought of the Incident Command was that the shots were from the Police until Hakeem Odumosu informed them otherwise and that the LCC of the LCC simply described the shooters as armed men to their boss.

When asked if the Command asked the LCC managing director for further particulars of the armed men as there was someone on ground that had seen them, Mr. Owonikoko objected to the line of question as that was not what the witness stated in his evidence before the Panel. The witness then went on to confirm that he had not denied that what he stated earlier was the original information they were given by the LCC boss and that the Incident Command then consulted the representatives of the other armed units after the Commissioner of Police denied the presence of his men at the location. It was the evidence of the witness that the representatives all denied that their Officers were responsible. He clarified that what he testified to before the Panel was that the Incident Command called General Ndagi who denied that the people shooting were his men. However, social media videos and subsequent media reports showing men dressed in military uniforms and allegedly from Bonny Camp

surface. He confirmed that social media reports that alleged that they were military men.

The Head of Service, Mr. Muri-Okunola agreed that in context the following was an accurate account of what he said "we asked the Commissioner for Health to speak to hospital about casualties. It was at this time that we learnt that men from Bonny camp were at the Lekki toll plaza 1. There was uncertainty as to who those men were." (Sic) The witness indicated that the barracks in Bonny Camp belonged to the Nigerian Army. He insisted that at the time, there was uncertainty as to who the men were and that clarifying the uncertainty was to be done by the Panel. He also noted it would be sub judicial of him to give evidence and that he would await the outcome of the Panel's recommendation to know who it believed were the men as different people had stated different things. When asked if the Incident Command reverted back to General Ndagi when it heard that the armed men were from Bonny Camp, the witness explained that at the time, the focus was to save people and manage the situation by calling at hospitals and finding out if there were indeed victims of gunshot wounds. he clarified that what he testified to was that the Incident Command entertained the possibility of territorial clashes as they had been happening across Lagos as a whole. Further, that the examiner's reference to territorial was not only about Lekki because cult fights had been occurring in Ajah, Mushin and Ikorodu before the #EndSARS protest and the attack on a Governor's wife which he referred to earlier was a result of some of the continuous clashes across the State. He informed the Panel that he did not know if cultists were engaged in fights for territorial supremacy at the Lekki toll gate on the 20th of October, 2020.

When asked if the Government was not interested in knowing who the armed men were, the witness alluded to the video of the Governor's interview with Becky Anderson in which he described the men as men in Military uniform who will appear to be the Army. He confirmed that he testified that there were territorial clashes across Lagos in places such as Ebute-Metta, Ajah, Mushin and Ikorodu. He insisted that he agreed that his evidence was that that men in military uniform were at the toll gate. However, unraveling their identity was the responsibility of the Panel. He stated that the attacks involving the wife of a Governor and her convoy and that of the Orderly of the South-West Governor were separate incidents and that they received the information in the course of being at the Incident Command Room. When asked if there was #EndSARS protest in Ikorodu, the witness indicated that as at that time, violence had erupted and crime was also gaining grounds with hoodlums taking over streets and cult members taking advantage of the situation to clash amongst themselves

He noted that the wife of the Governor and her convoy were caught in the battle amongst cultists the weekend proceeding 20th October, 2020. He also noted that he

could not describe how many cars constituted the convoy; neither did he see the convoy in question. He went on to clarify that the Government was against Police brutality and not against the Government. He confirmed that although other children participated in the protest, his children did not. He indicated that the danger of rape did not amount to rape when asked how many reports of rape or attempted rape the Incident Command Room received. This, he indicated was a possibility across Lagos. He noted that the call made by the paramount ruler who was lodged on the 10th Floor of the Oriental Hotel, Lagos at about 9pm was made to the Governor. It was a private call that was not taken over the speaker. However, they were informed after the call and directives were given. He clarified that the paramount ruler was a resident of the Hotel, and not a Protester. Further, that the Governor did not ask the paramount ruler where he got the information that the Oriental Hotel was going to be razed.

It was the testimony of the witness that the Panel would have requested for the CCTV footage in order to verify that the Oriental Hotel was allegedly going to be burnt, if it found it material. However, the security agents sent to rescue him confirmed that there were actually a lot of people and given that the incident was within the vicinity of the toll plaza which had witnessed unrest, there was a likelihood that the threat was likely to be real. He doubted that the paramount ruler was the only resident at Oriental. Further, that he was the one who was rescued as he was the only one that called for assistance. He indicated that he was not aware of the rumors that the Oriental Hotel allegedly belonged to Bola Tinubu or to being aware that the hotel issued a statement to the public to debunk the rumor.

He also denied being aware of whether the alleged ownership of the Oriental Hotel by Bola Tinubu was responsible for the attempts to burn it down. He indicated that what he was shown was what he stated before the Panel when asked if he was aware of the existence of the video of a dead person at Reddington before the Panel. He confirmed that he testified that people were being treated in open space and that they went into the wards, reception and areas of the hospital. When asked if the facility was overwhelmed, the witness indicated that the hospital had reached its capacity because the hospital already had patients who were already accommodated; although he did not know the hospital apportioned its bed spaces.

He informed the Panel that some of the victims were in the hospital and that the Panel visited the hospital between 12:30 and 1:30 am. When a video tagged GDIR9972 in which a person alleged that the Governor had been to the toll gate before the time the witness earlier told the Panel was played, Mr. Muri-Okunola noted that the person who allegedly said that was 'obviously not telling the truth' because he was with the Governor.

He informed the Panel that it was dark when they arrived at the toll gate on the day of the incident. That they drove slowly through the toll gate but did not see or observe

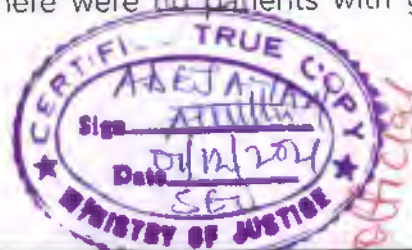
any blood even with the bright lights from the vehicle. He testified that the team did not go out for the specific purpose of looking for blood. He also confirmed that some of the people who were alleged to have died at the toll gate but later came out to deny the same. He indicated that he was sure that there would be more of such people and that it was on social media that he heard that those people had allegedly died as well as the denial of their death. When asked why the Government did not investigate the people who allegedly died, the witness explained that the conclusions he gave were based on the reports they had. He mentioned one Eniola Badmus as being one of the people who was alleged to have died until the rumor was debunked.

The matter was however adjourned to the 3rd of July, 2021 at the point when Mr. Fusika requested that the media files AVKF5060.mp4, JJAZ0031.jpg and VID_2020.1021.010.mp4 respectively be played to the witness.

At the resumed Hearing of the matter, cross-examination began with Mr. Fusika applying that the content of the audio admitted as Exhibit A during the testimony of Miss. Serah Ibrahim identified as DLIW8210.mp4 be played to the witness. The witness confirmed that he heard the contents of the audio in the video. When asked if the person speaking was one Eniola Badmus, the witness corrected that Eniola Badmus is a woman and was still alive.

Referencing the media file tagged FUQL8098.mp4 the witness, confirming that he understood Yoruba language was asked to listen to what the female voice in the media file was saying. At the end, the witness confirmed that he heard all that was said. Moving on to the media file tagged IEVC4869.JPG the witness recollected that the voice speaking in the audio was the same woman in the video that was played earlier. He confirmed seeing the woman holding a picture of her son. The witness confirmed that he took note of the media file tagged IMG0552.MP4 and that he could see the picture tagged AXYE4180.JPG. Next, he confirmed understanding the contents of the media file tagged QBJL1202. Referencing the media file named QIZY9428, the witness confirmed that ambulances were sent to Lekki and that the State Government got feedbacks that people were treated. He noted that the reports in respect of the people who were treated would have to be obtained from the Lagos State Ministry of Health. He denied receiving reports that ambulances were turned back by soldiers.

the witness confirmed understanding the contents of the media file tagged as CA7A853C-DI98-4B...65. He also confirmed recognizing the place where the scenes were taken as the Lekki toll gate. Looking at the media file tagged as ESHT3104, the witness confirmed that he heard that the victim in the media file was brought in at 7:20pm with a gunshot wound. Further, that much later when he went to the place with Mr. Governor they were informed that there were no patients with gunshot



wounds being treated at the time. Moving on to the media file tagged VID_20201021_003419, the witness agreed that a lot of materials were posted live at the scene and some online subsequently. Mr. Hakeem Muri Okunola went on to confirm seeing some of the videos that had just been played online before his appearance at the Panel. He noted that he recognized the last of the media files that was played. He further noted that he did not see any of the protesters who allegedly died.

When asked if his team investigated the video he acknowledged seeing prior, especially when he reported that because Eniola Badnus did not die therefore nobody died, the witness noted that he did not expect to be asked to confirm that the media files were taken at the alleged scene especially as their tenacity and veracity could not be verified. He however did confirm that some of the media files he brought before the Panel were obtained online while some were taken during their inspection. He denied saying that there were cult clashes at the Lekki toll gate. He clarified that although there were cult activities in various parts of the State, events were however being monitored.

The witness went on to state that he although he tendered and showed a video of one DJ. Switch, he was not following her on the social media Application known as Twitter. When asked how he was able to verify the media file when he didn't follow her, the witness explained that a person did not need to follow a particular personality to watch the content(s) posted by such people on Instagram. He noted that the particular post being referred to was from Youtube and the person did not need to be followed.

After being asked to read aloud the content of the tweet being referred to, the witness confirmed that the tweet was referring to Mr. Bola Ahmed Tinubu (a.k.a. Jagaban). He reiterated that he did not have to follow D.J. Switch to go on her Twitter page. He verified that the tweet in question was made by D.J. Switch because it was on her Twitter handle. He indicated that at the time the screenshot was taken, the said tweet had been retweeted one hundred and fifty one (151) times, although he could not know the number of tweets that had been made by D.J. Switch. He however noted that it would be correct to state that as at 10:45am, the number of tweets noted beneath it was one hundred and thirty six (136). He noted that he wouldn't know if there were one hundred and thirty-six (136) tweets as at the time the screenshot was taken or if the number of tweets ever made would be indicated under the name of the person tweeting. Lastly, he noted that it was incorrect to state that the government was only concerned about the people who did not die; and not those who allegedly died.

Re-Examination of Mr. Hakeem Muri-Okunola by Mr. Owonikoko, SAN.

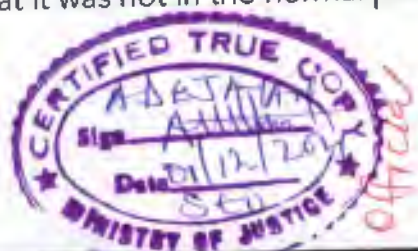
The re-examination began with the witness confirming that he remembered that his attention was drawn to item three (3) of the Incident Report from the Police formations covering the period between 12th -20th October, 2020 in respect of the incident which occurred at the Lekki toll gate on 20th October, 2020 which he tendered before the Panel. He confirmed that column three (3) dealt with and included the incident which occurred at Lekki and that the time indicated on it was 8am. While noting that he did not know the victims treated at Redington, Lekki he however saw one or two of them on social media.

Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Bernard Oniga on Behalf of the Nigerian Bar Association (NBA)

Mr. Muri-Okunola began by affirming that an incident occurred at the Lekki toll gate, which was why the Panel was set up. He confirmed that the State government got reports that armed men were shooting at the toll gate. In response, emergency first responders were sent to the scene. When asked if the Government would still have sent emergency first responders in the event that the incident was an armed robbery attack, the witness indicated that it would have been one of the first things that would have been done where casualties were involved. He clarified that the Government engaged first engaged with the Lagos State Commissioner of Police who informed Officials of the State Government that his men were not responsible for the shootings at the toll, before the emergency first. He noted that at the time of the shootings, the identity of the men who were shooting was unknown to the Government. He recalled that immediately the Government was informed of the shootings, emergency first responders including the Police, Fire Service and all emergency responders of the State were alerted and deployed. He reminded the Panel of his earlier testimony in which he had stated that the report the Government received back and what was being investigated was the responsibility of the Panel and assured that the answers required would be answered by the State.

The witness noted that he recalled the CNN video in which Mr. Governor, while being interviewed by Becky Anderson assured his commitment to bringing justice to everyone. He further noted that Mr. Governor was keeping his word by setting up the Panel. He confirmed that General Ndagi, at the time of the incident sat at the State Security Council. However, he has since been deployed. Further, that at the time Ndagi was qualified to sit at the Security Council of Lagos State because he was a Brigadier General, Commander of the 9th Brigade of the Nigerian Army. He did not know his current rank. When asked if General Ndagi was the commander of the military in Lagos State at the time, the witness reiterated that the chain of command or hierarchy of the military was unknown to him.

When asked if the first responders gave him a briefing upon their arrival at the scene of the shooting, the witness informed the Panel that it was not in the normal practice



for the first responders to brief him. He noted that it was the responsibility of the Panel to find same out. The witness went on to confirm that his appearance at the Panel was with the consent of Mr. Governor. He also restated that he was there on behalf of the Lagos State Government. He further confirmed that he some of the reports he tendered before the Panel were obtained from social media and also that he had read that soldiers from Bonny Camp were the ones who shot at the toll gate. He indicated that he brought the Panel's attention to the information which he saw on social media, and that it was on record.

Witness informed the Panel that he was unaware that one Major Osoba Olaniyi, Acting Director of Public Relations of the 81 Division of the Nigerian Army issued a press statement affirming that Officers from Bonny Camp were the ones at the toll gate. While he agreed and confirmed that it was on record that there was quantum loss of lives and properties across Lagos, he disagreed that the destruction started on the 21st of October, 2020 as a result of the action of the military at toll gate. He noted that the Government had been receiving reports of clashes along the axis from the week preceding the 20th of October, 2020. He believed that from reports received by the Government, Guaranty Trust Bank (Gtb) Access Bank and Ebeano Plaza along Admiralty Way, Lekki-Phase 1, Lagos was destroyed on the 20th of October, 2020 although he did not know the exact time. He stated that the Lagos State High Court, Igbosere, Lagos was burnt on the 21st of October, 2020 as well.

He informed the Panel that he was aware that the Honourable Attorney-General and Commissioner for Justice was looking into the issue of the possible prosecution of the hoodlums who caused the destructions. He noted that he recalled the tweet about 'Dark Forces' and confirmed that same was made by Mr. Governor. He denied seeing any speculation or allegations on social media alluding to the fact that Asiwaju Bola Tinubu was responsible for the incident at the Lekki toll gate.

When Mr. Oniga stated that there was a school of thought by Lagosians to the effect that one of the reasons why there was no intervention by the Lagos State Government in protecting lives and properties after the incident of 20th October, 2020 was to deter people from coming out to protest in future, Mr. Enitan, SAN objected to that line of questioning on the premise that the Panel worked with only facts. This objection was upheld by the Chairperson of the Panel who held that the Panel only worked with hard facts. The cross-examination ended with Mr. Oniga appealing to the Lagos State Government to extend the tenure of the Panel.

In the absence of re-examination, the witness was at this point discharged from further appearance at the Panel in relation to the incident which occurred at Lekki on 20th October, 2020.

SUMMONS: THE NIGERIAN ARMY.

EVIDENCE OF MISS. SERAH IBRAHIM IN RESPECT OF THE INCIDENT OF 20TH OCTOBER, 2020 AT THE LEKKI TOLL-GATE, LAGOS.

Appearances Entered:

Mr. Olumide Fusika, SAN with O. Obilade for named #EndSARS protesters.

Mr. J. Owonikoko, SAN with Jerry Briggs and Y. Olabode for the Lagos State Government.

Mr. J. I. Eboseremen with Nosa Watson Uhuangho, Julio Hodonu and Emmanuel Eze for the Nigeria Police Force.

Mr. Rotimi Seriki with Mr. Akin Elegbede for Lekki Concession Company Limited.

Mr. Ayo Ademiluyi holding the Brief of Mr. Adeshina Ogunlana for named #EndSARS protesters.

Jonathan Ogunsanya, Counsel to the Panel.

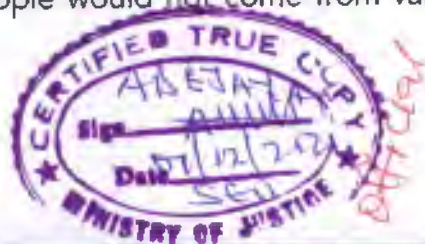
Amanda Asagba with me A. C. Eze for the Nigerian Bar Association.

Witness was sworn on the Holy Bible and indicated that she speaks English language. Summary of the Examination-In-Chief of Miss Serah Ibrahim by Mr. Olumide-Fusika, SAN.

Mr. Olumide-Fusika, SAN commenced by asking the witness to give her details. The witness stated her name as Serah Ibrahim, born on the 22nd of October, 1995 and was born and bred in Lagos.

She stated that she participated in the #EndSARS protest and noted that she was specifically at the protest venue. The witness testified that the first day the protest started officially at Lekki Toll Gate on the 10th of October, 2020, but she was initially at the Ikoyi Link-Bridge from 8th of October before the protesters moved to the Toll Gate on the 10th of October, 2020. She restated that prior to the event of the 20th of October, 2020 she was at Ikoyi Link Bridge. Her first day was at Alausa, Ikeja, because they had to lend their voices to other people in other places and allow them to also come out, they moved to Ikoyi Link Bridge before they proceeded to Lekki Toll Gate. Between 10th and 20th of October 2020, she confirmed that she was at the Lekki Toll Gate protest ground every day. Witness noted that she is a Professional Auditor and her presence every day was not borne out of joblessness.

Before the 20th of October, 2020, witness stated that the protesters were very peaceful. Some people sat in groups while talking to media houses and journalists, it was just various groups of people standing and lending their voices in their own various ways before they had the idea to bring everybody together at one particular point and have a more organized kind of peaceful protest. This was because they needed to actually protect ourselves so that people would not come from various



angles to harm peaceful protesters without any group seeing it, so when together anything that happens can be seen and heard by everyone around. They did not have any security to watch out for them initially when they started. When the protest started earlier around 8th and 9th of October, 2020, they usually stayed at the protest ground till about 8pm-9pm, but towards 10th of October they started staying at the protest ground till 3am. Some groups would come at 4am and others at 5am so it was a continuous process. Different groups come at different times. It was a continuous process. There are usually Journalists there and media houses, so, what the protesters do is that they give them the opportunity to talk to peaceful protesters. Protesters also gave people the opportunity to tell their SARS stories. They also had people whose parents are in the Police service to tell them about Police welfare, she noted that it was more of talk and communication, no protester was armed. Witness stated that there were volunteer cleaners, i.e. very peaceful protesters who come together to clean the environment, they get rid of every stone. There was no stone in the environment. The only thing they held every day was our Nigerian flags. She noted there were different people from different tribes and there was no segregation, all were united. There were days they had to chase school children home. She stated that they had from kids to the aged people at the protest ground. A representative from the association of market women was also present.

She stated that the only exhibition of religion at the protest ground was that, when it was time for prayers they put barricades around an area to protect the Muslims while they have their prayer. They even brought praying mats, hijabs and prayer hand books. The protesters held a mass one Sunday at the protest ground when the priest came and even had Holy Communion on that ground.

The witness testified that from the first date, there were four (4) Police vans that came and protesters gave them their space. The Policemen on that particular day, 10th of October wore their gas masks and they were approaching the peaceful protesters. They were coming aggressively in such a way as to agitate the people who were standing and protesting. It took the intervention of the celebrities such as Timi Dakolo, Mayorkun and Perruzzi who were on ground on that day to avoid a confrontation. It was her testimony that Timi Dakolo had to go to speak directly to one of the Policemen and told him that protesters were not armed. He suggested a chain barricade and protesters were all to hold hands to form a chain. Timi Dakolo was able to convince the Policemen to turn back though they were still wearing their gas masks and batons. It got to a point where people on ground started checking stores like Jumia and Konga to get the price of gas masks to see if they can all contribute money to order. She confirmed that they eventually got gas masks because the situation the following day got worse. That the Police had planned to shoot tear gas at the peaceful protesters as they gave them five (5) minutes to vacate the Toll Gate.

Witness narrated the protesters encounter with the Navy. She stated that she saw Naval Officers coming from the Lekki part of the Toll Gate. That, they were in a very huge truck and said they were going to rescue a sinking ship. She noted that the protesters immediately started moving cars and clearing the road to let them pass. After they had crossed the toll, two of their tyres went flat. She noted that this was the day the Naval Officers gave protesters water. She said the water was likely for an event because the tag on it had something like celebration of the Nigerian Army. The Naval officers helped some girls up the truck to take pictures before they eventually fixed the tyres and left.

The witness stated that at first, no one listened to the Governor, they told him that the "5 for 5" demand was out there. The second time, the Governor explained to the



protesters that he was going to Abuja to give the "5 for 5" demands to the President. She noted that someone asked why he had to go all the way to Abuja when peaceful protesters in Abuja are being sprayed with water cannon, beaten and illegally arrested and the President has done nothing to arrest the molestation of protesters there. The Governor's reply was that maybe the President has not seen the peaceful Protesters. She stated further that another person also asked the Governor why he is the one going to Abuja?, that is he the only one the President listens to? She said the Governor urged them to leave the Toll Gate and that protesters will see him with the President the following day. She noted that the Governor wanted to say something else but people started singing that he should leave. According to the witness, other Politicians like Shina Peller and Lai Mohammed, the Minister of Information and his son also came to the protest ground.

When Mr. Olumide-Fusika SAN asked the witness whether she was aware that the Lekki toll gate belonged to LCC, the witness responded that she had always thought it belonged to Lagos State Government. He then asked whether the business of toll collection was going on at the time of the protest and witness responded in the negative. She went on to state that they had an agreement with the LCC staff, which allowed them to set up the tent in front of the service centre. She noted that some people were sleeping on the bare grass while some were sleeping in their cars. She also noted that whenever they brought breakfast, lunch and dinner, they always gave the LCC staff who were always in the Service Center Office.

She stated that on the 20th of October, 2020 there was someone the peaceful protesters apprehended that was stealing pipes. She noted that the problem they had was that whenever thieves were caught, the Police do not accept them, they considered them the problem of protesters. She noted a particular occasion when they had to take the person apprehended to the Palace of the Oniru and he said whenever they saw another thief, he should be brought to the Palace for disciplinary action since the Police was not accepting responsibility. She said the thief was asked why he stole the pipes and he said, "they said we can take it". Witness mentioned that there was a time she saw a man with over thirty-two (32) sim cards, apprehended him and none of the Police officers in vans accepted him, they kept pushing those who apprehended him from one Police van to another.

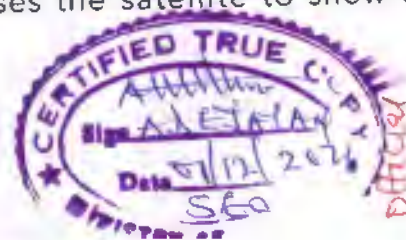
She stated that the 16th of October, 2020 was the candle night, that they requested the LCC Officials to help turn off the light for about 5mins so that they can have a proper candle night, she noted that a particular lady was speaking to them from across the barricade and the lady said the light can never go off not even for a second. Witness stated that they further pleaded with her because they wanted to post videos and put it online but the lady refused stating that it is against their rules. She stated that if she sees the Lady, she could recognize her. Asked whether there was any

incident of light out at the toll gate that she observed, the witness said no but she personally noticed that the light usually blinks at about 5pm as if they are changing from one power source to another.

Mr. Olumide-Fusika, SAN asked the witness whether the light of the bill board ever goes off. The witness said the light from the bill board never went off. It was always showing adverts. She was further asked of any encounter with the people that own the bill board. Witness identified the owners as Loatsad. She stated that one of their organizers contacted Mr Seyi Tinubu when they needed to do adverts on the billboard. She stated further that they placed four adverts. One advert was of yellow background with black ink showing all fallen heroes; their names were shown on it. The second was that of Aisha Yesufu standing with her hand up with the #EndSARS hashtag. The third was 'Soro Soke' while the fourth was #ENDPOLICEBRUTALITY. Witness indicated that she did not however know whether payments were made for the adverts. She stated that the allegation that Senator Bola Tinubu funded the protest was false. At this point, Further Hearing was adjourned to 8th May, 2021. The witness confirmed that to her knowledge, no Policeman was attacked prior to the 20th of October, 2020 at Lekki Toll gate, no Police Station around the place was burnt and there was no form of cannibalism. She further confirmed that she would testify regarding certain recordings by Protesters which she thereafter produced. Mr. Olumide - Fusika SAN seek to tender a list of about 92 recordings before the Panel, these he claimed will tell the story of what happened at Lekki on the day of the incident. He noted that his witness intends to testify upon these recordings. Mr Rotimi Seriki observed that though they have the list, but the exhibits sought to be tendered are not with him. He therefore requested to be obliged with the copies of the flash drive. He was advised by Mr Olumide- Fusika SAN to apply to the Panel for copies of the flash. However, Mr Owonikoko SAN did not object to the admission of the two flash drives.

The Panel noted that the two flash drives sought to be admitted in evidence are being objected to by the learned Counsel for the Lekki Concession Company on the ground that they do not know the content of the flash drive and may be taken by surprise not having been served in advance with the flash drive. Since Learned Counsel for Lagos State government and the Respondent Counsel are not averse to its admissibility and in view of time constraint for the Panel's assignment, the flash drive will be admitted and the issue of taking cross-examination will be considered later. The two unlabeled flash drives were admitted and marked Exhibit A.

Mr. Olumide-Fusika SAN stated that the Nigerian Army whilst testifying before the Panel made mention of a blood soaked flag that was said to be from a movie. He noted that he saw these in the videos. The witness responded that every picture, video was inputted into Google. That the Google drive takes the image or video and uses the satellite to show the



location, date and time. She stated that she could demonstrate it by using any phone before this before the Panel and was asked to use the blood soaked picture for the illustration later on, so as to save time. Mr Olumide-Fusika SAN asked the witness to narrate what happened on that day. He noted that he would like that the content of the flash drive to be played.

The witness stated that there is a particular folder titled "Where are the footages"? In it are pictures of the cameras at the Toll Gate and not just one camera as submitted to the Panel by the Lekki Concession Company. She noted that they had three drones flying on the day of the massacre. From the drone video, there were two armed Army Officials under this particular Toll unit. That there is a camera on the 7th toll unit by the right and none of the footages from the camera were presented. She noted that the picture was taken on the 23rd of October, 2020 and that it was no longer there as at the time of her testimony. She further noted that there are also cameras close to the generator and that if the footage from this camera is presented, it will show that the LCC staff were at the Toll Gate that night because it shows directly into the office and the offices were well-lighted. According to her, the only light that went off were at the toll gate where the peaceful Protesters were. Also, this camera is the exact type of camera that was removed earlier at about 2:38pm on the 20th of October, 2020. Two cameras were removed and were pointing directly at the place where the peaceful Protesters were. She particularly noted that the major reason why the voluntary coordinators of the #ENDSARS protest use that particular location as the stage is because of those camera in case of any event, most especially because of hoodlums so that they can get footages.

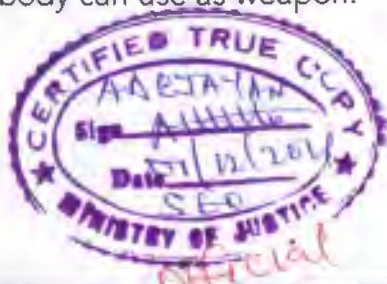
The witness showed another camera, she stated that it was the same type that was removed. She said that this camera is directed towards Oriental hotel where the Army came from and where they parked three vans. One of the vans later moved towards the protesters while two of the vans remained there. She noted that the two other vans were used to convey bodies of Protesters which she will show in another video when the Army was leaving. She maintained that there was a camera in front of Oriental hotel and stated that if LCC insists that they cannot find the cameras; she suggested that they ask Oriental Hotel management for footages from their own camera. She also showed a screenshot of a camera at Sand fill area, where she stated that the Army started shooting from. She noted that the camera should be able to show the spot where the Army came from, the exact place they started shooting from and it will also show when they were leaving, and who and what they left with.

The witness identified the camera which she stated is directly in front of the LCC office. She stated that this camera shows the LCC office as well as the Toll Gate. She also noted that there are two cameras in front of the LCC Office. One is meant to show the LCC office and the other reflects the Toll Gate. She stated that if the footages from these cameras are presented, it will show who started to fire at the Toll Gate, when the Army left and who they left with. It will also show that there were LCC

staff present in the office inside even till after the massacre. That none of the footages from all these cameras were presented to the Panel. Mr. Olumide-Fusika SAN recalled the testimony of the witness earlier on about people who came to remove camera, and asked whether the witness had the footages and requested her to show it to the Panel.

The Witness testified that at about past 1pm to 2pm on October 20th, 2020, they were going to buy water and drinks for the Protesters at Shoprite when one of the voluntary security officers, Ayomide called her attention to a man putting on an orange LCC safety jacket who was removing cameras. She noted that the man was putting on a torn shirt and flip flop, and looking very shabby. The only thing that showed he is from LCC was the safety jacket. She said she approached him but that he spoke in Yoruba language to her and she later called another voluntary organizer to help explain and that his exact words were, that he was asked to take it down and he called them cameras. It was while we were talking that the man in blue came and started talking to him in Yoruba. Witness maintained that the man is a staff of LCC, he was the one that explained to us that they do not want their properties to be stolen. These cameras faced the stage truck where the peaceful Protesters gathered. She stated further that the reason why they did not bother to ask him more questions was because, earlier that morning at about 2am on the 20th of October, 2020, they apprehended a man stealing water pipes close to the toll gate and he was taken to the staff. She emphasized that there are always LCC staff at the Toll Gate. When she remembers what happened that morning that they thought that was the reason why they were trying to secure their properties so they did not give it much thought.

The witness also identified a video which she said shows that the light came back under the Toll Gate immediately the Army left. She also said they have a picture of the LCC staff locking the gate of the LCC on that date. Mr. Olumide-Fusika SAN asked the witness to confirm whether these are all the cameras. The witness confirmed same. The witness stated that before the curfew on that day which started like a normal day, the protest started with prayers and during the prayers, voluntary organizers went to get water and soft drinks for the peaceful Protesters when one of them suggested that they should get trucks with huge lights to park at the Barricade and the lights of the truck should face the Protesters directly. She said they were discussing and resolved that there was no need as there is light at the Toll Gate. That it was on their way to get the drinks that they heard the news that there was a curfew for 4pm. She stated that their thought was that the curfew was made for the peaceful Protesters, so that the hoodlums would not come to disturb them. She noted that additional 40 voluntary security guards were secured to stay at each barricade to ensure there was no form of violence around the Toll Gate. She stated that they asked everyone to take 20 minutes to clean up the place and that this was done to take away stones, sticks or any form of instrument that anybody can use as weapon.



The witness stated that on their way coming back from getting the drinks, someone came to inform her that a man from the Lagos State Governor's Office wanted to speak with the protesters and so the person was directed to the stage. Meanwhile, he kept talking to her on the way and she told him she was busy. That the man said they are calling the protesters at the Lagos State Government Office so as to talk to them. At that point, the witness stated that she received a call from a friend in the State House of Assembly. He was one of the Politicians that usually come to join the protest. That he called her and told her to leave the toll gate because "her heart cannot take what they are planning at the toll gate on that day." The witness said she asked that if it was because of the curfew he did not need to worry because it had been moved from 4pm to 11pm. She said that the man said it is not because of the curfew and she hung up. She stated that the man who came from the Governor's Office said that the Governor was asking to see seven (7) representatives of the Lekki Protesters, five (5) Protesters, one (1) SAN and one (1) Mental Health Doctor. She took him to the stage where they were over 20 people and one person amongst the Protesters said nobody is going anywhere because it could be the DSS. She said that the man kept insisting and the said representatives have to be there before 3:30pm. That he kept shouting at the top of his voice that they must be there before 3:30pm. The witness stated that she left other voluntary organizers there to pay the driver that brought them with the drinks and so she did not know the conclusion and how the man left.

The witness stated that while she was with the bus driver, she noticed that a lot of people were gathered by the left hand side of the Toll Gate. That they started bringing everybody together telling them that the only people that should be there should be the voluntary security. She stated further that they were all talking and continued the protest the way they usually did. Everyone was chanting ENDSARS and people were sharing their SARS stories. While she was with one of the bus drivers who helped bring drinks for the Protesters, she saw people running towards the truck used as the stage. That was when she started hearing gun shots. She stated that she just left the bus driver there and ran towards the protest ground. Immediately, she climbed the stage and told the person with the microphone that they are coming. She noted that she thought it was Policemen because she never imagined the Nigerian Army would shoot that way at people. While she was telling the person with microphone that Policemen were shooting, someone came from the back and said it was not Policemen, that it was the Army. She said she was practically arguing that it was a lie because she grew up in a Military Base and did not believe they could do such a thing.

She noted that while the gunshots were going on, she remembered that there were two blind people under the tent. The Protesters had tents at the LCC area of the Toll Gate and they usually allow, mostly the disabled people to rest under the tent

because they had different people coming to join the protest. She said she went to look for the two blind women and while running from the stage towards the LCC, someone told her that she had to stay low and she told the person that she was coming.

The witness stated that while she was running, someone else (Akin) held her and told her that they should all sit on the floor and wave their flags but she ran towards LCC and that was when she saw two vans with the name AWASE written on the back. That was when she believed it was the Nigeria Army. She noted that they saw three bikes with Military men going from the LCC point to the vans and so, the peaceful Protesters were hailing them. They had noticed them in the peaceful protest from the morning. That seeing them going towards that direction made Protesters think they were going to stop whatever was going on there. She stated that they further thought they were going to stop the soldiers in the van from shooting. They later got to know that they only came to survey. They just drove past and the next thing the Protesters saw was more people with guns. On getting to the tent, she noted that she did not see the blind people but she could not run back to the stage because as at this point in time, the Army vans were already in the barricade between LCC and where the Protesters kept the mobile toilets. She noted further, that it was while there she noticed that some Protesters were taking bikes and running towards the Lekki Area because of the gunshots. That more people came in from the shanties with their flags and they were all singing. The billboard and the lights then were still off. The witness said that she wanted to ask one of the voluntary organizers there to call anybody that he knows to ask why the billboard was still off because it was on till around 5:41pm and that it suddenly went off before the period the army started coming in; same with the light. When the Army started shooting, it was getting dark and when it became darker, more of them came in. They left where they were standing by the Oriental side of the Toll Gate and walked down to where the Protesters were. They waited till it was dark. Initially, they were at the Oriental area shooting for over 20 minutes, they did not come into the protest ground until it was dark.

She stated that immediately, one of the vans came in front of the Protesters and turned its back and the men in the van started shooting. The organizers were still in the LCC office, a lot of boys were banging the gate. The LCC staff there were trying to lock their gate with a blue padlock. The peaceful protesters who were at the tent were trying to leave the tent and enter the office but the LCC staff were pushing them out of the gate and trying to lock the gate. Three of them locked the gates and went back inside and the peaceful protesters were shouting that why are they locking the gate and putting off the light but they paid them no attention. She stated that she wanted to go and talk to one of them that she knew and she saw that somebody was peeping through the door and was laughing and entered inside. That one of the security men, light-skinned and putting on an all-black outfit told them that it was the

